

TUESDAY, FEBRUARY 20, 1979



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## AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR notice 41 FR 32914, August 6, 1976.)

| Monday          | Tuesday    | Wednesday | Thursday        | Friday     |
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| DOT/COAST GUARD | USDA/ASCS  |           | DOT/COAST GUARD | USDA/ASCS  |
| DOT/NHTSA       | USDA/APHIS |           | DOT/NHTSA       | USDA/APHIS |
| DOT/FAA         | USDA/FNS   |           | DOT/FAA         | USDA/FNS   |
| DOT/OHMO        | USDA/FSQS  |           | DOT/OHMO        | USDA/FSQS  |
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| CSA             | CSC        |           | CSA             | CSC        |
|                 | LABOR      |           |                 | LABOR      |
|                 | HEW/FDA    |           |                 | HEW/FDA    |

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Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

**NOTE:** As of August 14, 1978, Community Services Administration (CSA) documents are being assigned to the Monday/Thursday schedule.

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A Cumulative List of CFR Sections Affected is published separately at the end of each month. The guide lists the parts and sections affected by documents published since the revision date of each title.

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# rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

[3410-05-M]

## Title 7—Agriculture

### CHAPTER VII—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (AGRICULTURE ADJUSTMENT), DEPARTMENT OF AGRICULTURE

#### SUBCHAPTER E—PUBLIC RECORDS

#### PART 798—AVAILABILITY OF INFORMATION TO THE PUBLIC

##### Revision of Procedures

**AGENCY:** Agricultural Stabilization and Conservation Service, Department of Agriculture.

**ACTION:** Final rule.

**SUMMARY:** This rule is a revision of the procedures to be followed by the general public in requesting information and documents under the Freedom of Information Act from the offices of the Agricultural Stabilization and Conservation Service (ASCS). This revision includes changes due to agency reorganization and other minor miscellaneous changes.

**EFFECTIVE DATE:** February 20, 1979.

**ADDRESSES:** Management Services Division, ASCS, USDA, Room 6959-South Building, P.O. Box 2415, Washington, D.C. 20013.

#### FOR FURTHER INFORMATION CONTACT:

Margaret Hartley, (ASCS) (202) 447-5875.

**SUPPLEMENTARY INFORMATION:** This rule changes (1) certain addresses and organizational names to conform with agency reorganization and (2) the list of documents which will be furnished without charge. A further change is that the index will only be provided from an office in Washington, D.C. Copies of the index, however, will be made available upon request in person or by mail.

Since the revision includes changes in matters relating to agency management and personnel and other minor miscellaneous changes, the provisions of 5 U.S.C. 553 concerning notice of proposed rulemaking, public procedure, and 30 day effective date, and

the provisions of Executive Order 12044, do not apply. Therefore, this revised 7 CFR Part 798—Availability of Information to the Public is hereby issued without compliance with those procedures.

Accordingly, 7 CFR Part 798, is revised to read as follows:

#### FINAL RULE

#### PART 798—AVAILABILITY OF INFORMATION TO THE PUBLIC

##### Sec.

- 798.1 General statement.
- 798.2 Public inspection and copying.
- 798.3 Index.
- 798.4 Requests for records.
- 798.5 Appeals.
- 798.6 Fees.

**AUTHORITY:** 5 U.S.C. 301, 552; 7 CFR 1.1-1.16.

##### § 798.1 General statement.

This part is issued in accordance with the regulations of the Secretary of Agriculture at 7 CFR 1.1-1.16, and Appendix A, implementing the Freedom of Information Act (5 U.S.C. 552). The Secretary's regulations as implemented by the regulations in this part, govern the availability of records of the ASCS and Commodity Credit Corporation (CCC) to the public.

##### § 798.2 Public inspection and copying.

5 U.S.C. 552(a)(2) requires that certain materials be made available for public inspection and copying. Members of the public may request access to such materials maintained by ASCS and/or CCC at the Office of the Director, Management Service Division, Room 6959-South Building, P.O. Box 2415, Washington, D.C. 20013, between the hours of 8:15 and 4:45 p.m., Monday through Friday.

##### § 798.3 Index.

5 U.S.C. 552(a)(2) requires that each agency publish or otherwise make available a current index of all materials required to be made available for public inspection and copying. ASCS maintains an index of ASCS National Handbooks, CCC Board Dockets, decisions of the Board of Contract Appeals of the Department of Agriculture affecting ASCS or CCC, and Marketing Quota Review Committee determinations. In view of the small number of public requests for such index, publi-

cation of the index is unnecessary and impractical. The index is maintained and available to the public at the office shown in § 798.2 and copies of the index are available upon request in person or by mail to that office.

##### § 798.4 Request for records.

Request for records under 5 U.S.C. 552(a) (3) shall be made in accordance with 7 CFR 1.3. Reasonable requests for material not in existence may also be honored where their compilation will not unduly interfere with ASCS operations and programs. Each ASCS office in the field and each ASCS office and division in Washington (see statement of Organization and Functions of ASCS, 40 FR 18815, and of CCC, 35 FR 14951, and any amendments thereto) is designated as an "information center" and shall make space available to inspect and copy records in their custody not exempted from disclosure. Copies of records shall also be made available upon request. The head of each office or division is authorized to receive requests for records and to make determinations regarding requests for records in the office's custody in accordance with 7 CFR 1.4(c). Requests to Washington divisions and offices shall be addressed to USDA, ASCS, P.O. Box 2415, Washington, D.C. 20013. The heads of ASCS field offices shall be addressed as listed in the local telephone directory under "U.S. Government, Department of Agriculture, ASCS". Names and addresses of heads of field offices may also be obtained from the office indicated in § 798.2.

##### § 798.5 Appeals.

Any person whose request under section 798.4 above is denied shall have the right to appeal such denial. This appeal shall be submitted in accordance with 7 CFR 1.3 (e) and addressed to the Administrator, ASCS (Executive Vice-President, CCC), USDA, ASCS, P.O. Box 2415, Washington, D.C. 20013.

##### § 798.6 Fees.

This schedule supplements the fee schedule in 7 CFR, Part 1, Subpart A, Appendix A and sets forth the fees to be charged by ASCS for providing copies of records, materials, and services not covered in Appendix A:

(a) Records, materials and services furnished without cost.

(1) One copy each of related directives, or blank forms required by ASCS for program participation, if requester is a program participant.

(2) List of names and addresses of county and/or community committee members, and names of county employees in the county.

(3) One copy of an investigation report furnished to an appellant for a program appeal.

(b) Records, materials and services for which fees are charged.

(1) *National Handbooks*. Three dollars for the first copy. One dollar for each additional copy. (The term "copy" includes all national amendments to date. They will be furnished separately for the requester to assemble.)

(2) *Field Supplementation to National Handbooks*. Five cents per page, not to exceed \$3, for each supplement.

(3) *Computerized Records*. The requester shall furnish the necessary reels when computerized records are furnished on magnetic tape.

Signed at Washington, D.C., on February 9, 1979.

S. N. SMITH,  
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 79-5216 Filed 2-16-79; 8:45 am]

[3410-05-M]

## CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

### SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Flaxseed Purchase Regs., 1978 and Subsequent Crops]

## PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

### Subpart—1978 and Subsequent Crops Flaxseed Purchase Program Regulations

AGENCY: Agricultural Stabilization and Conservation Service, Department of Agriculture.

ACTION: Final rule.

SUMMARY: The purpose of this rule is to set forth the general requirements under which price support will be available to flaxseed producers pursuant to the Agricultural Act of 1949, as amended. The program will enable producers to obtain price support on 1978-crop flaxseed.

EFFECTIVE DATE: February 20, 1979.

ADDRESS: Price Support and Loan Division, ASCS, U.S. Department of Agriculture, room 3741 South Building, P.O. Box 2415, Washington, D.C. 20013.

### FOR FURTHER INFORMATION CONTACT:

Dalton J. Ustynik, ASCS (202) 447-6611.

SUPPLEMENTARY INFORMATION: These regulations supplement the General Regulations Governing Price Support for 1978 and Subsequent Crops with respect to flaxseed price support program for the 1978 and subsequent crops of flaxseed.

On July 20, 1978, the U.S. Department of Agriculture announced purchase program provisions for 1978 crop flaxseed. Inasmuch as flaxseed harvest is over compliance with the notice of proposed rulemaking public procedure, and 30-day effective date provisions of 5 U.S.C. 553 and the requirements of Executive Order 12044 are impracticable and contrary to the public interest. Therefore, this regulation is issued without following such procedure.

### FINAL RULE

The material previously appearing in 7 CFR, Part 1421 in §§ 1421.156 and 1421.158 has been deleted. The remaining sections have been revised. The material previously appearing in this subpart remains in full force and effect as to the crops of flaxseed to which it was applicable. Accordingly, the regulations and the title of the subpart are revised to read as follows:

### Subpart—1978 and Subsequent Crops Flaxseed Purchase Program Regulations

Sec.

1421.150 Purpose.

1421.151 Availability, disbursement and maturity dates.

1421.152 Eligible flaxseed.

1421.153 Determination of quality.

1421.154 Determination of quantity.

1421.155 Warehouse receipts.

1421.156 Delivery charges.

1421.157 Warehouse charges.

1421.158 Support rates.

AUTHORITY: Secs. 4 and 5, 62 Stat. 1070, as amended (15 U.S.C. 714b and c); sec. 301, 401, 63 Stat. 1054, as amended (7 U.S.C. 1447, 1421).

### Subpart—1978 and Subsequent Crops Flaxseed Purchase Program Regulations

§ 1421.150 Purpose.

This supplement contains program provisions which, together with the General Regulations Governing Price Support for the 1978 and Subsequent Crops and any amendments thereto or revisions thereof (such regulations are referred to in this subpart as "General Regulations") and the annual crop year supplement issued with respect to

the crop of flaxseed for which price support is being requested, apply to price support purchases for the 1978 and subsequent crops of flaxseed.

### § 1421.151 Availability.

(a) *Where to request price support.* A producer shall request price support at the local county ASCS office of the county in which the flaxseed is stored or, if in an approved warehouse, at the county in which the producer resides.

(b) *Availability date.* The final availability date applicable to purchases will be specified in the annual crop year supplement to the regulations in this subpart, except that whenever the final date of availability falls on a non-workday for county ASCS offices, the applicable final date shall be extended to include the next work day.

(c) *Quantity eligible for purchase.* An eligible producer may sell to CCC any or all of the eligible flaxseed: *Provided*, That the producer executes and delivers to the county office, prior to the final availability date, a Purchase Agreement (Form CCC-614) indicating the maximum quantity of flaxseed that will be sold to CCC. Delivery points for purchases shall be limited to those approved by the Kansas City Commodity Office.

(d) *Delivery period.* In the case the flaxseed not in an approved warehouse, the producer must make delivery of the flaxseed to CCC within the period of time after the final availability for purchase date, shown in the applicable crop supplement in accordance with delivery instructions issued by the county office. Delivery shall be made to the location specified in such instructions.

### § 1421.152 Eligible flaxseed.

To be eligible for purchase, the flaxseed (a) must be merchantable for crushing into oil and feed as determined by CCC, (b) must not contain mercurial compounds, toxin producing molds, or other substances poisonous to humans or animals, and (c) must have been produced by an eligible producer on a farm who has complied with the set aside and normal crop acreage requirements as prescribed in Parts 718, 722, 728, 775, and 791 of this title and any amendments thereto.

### § 1421.153 Determination of quality.

The grade, grading factors, and all other quality factors shall be based on the Official Grain Standards of the United States for flaxseed whether or not determinations are made on the basis of an official inspection.

### § 1421.154 Determination of quantity.

When the quantity is determined by weight, a bushel shall be 56 pounds of flaxseed free of dockage. The quantity of flaxseed delivered to or acquired by

CCC in an approved warehouse shall be the net weight specified on the warehouse receipt, or on the supplemental certificate if applicable.

**§ 1421.155 Warehouse receipts.**

Warehouse receipts tendered to CCC in connection with purchases must meet the requirements of this section.

(a) *Separate receipt.* A separate warehouse receipt must be submitted for each grade of flaxseed.

(b) *Entries.* Each warehouse receipt, or the warehouse supplemental certificate (in duplicate) properly identified with the warehouse receipt, must show: (1) Gross weight, and net bushels, (2) grade, (3) test weight, (4) moisture, (5) dockage, (6) any other grading factor(s) when such factor(s) and not test weight determines the grade, (7) whether the flaxseed arrived by rail, truck, or barge, and (8) the date the flaxseed was received or deposited in the warehouse.

(c) *Liens.* The warehouse receipts may be subject to liens for warehouse charges only to the extent indicated in § 1421.157.

(d) *Freight certificate requirements.* Warehouse receipts representing flaxseed which has been shipped by rail, or by barge utilizing combination barge-rail freight rates which are published and on file with the Interstate Commerce Commission, from a country shipping point to a designated point or to a storage point and stored intransit to a normal market location, must be accompanied by supplemental certificates. These certificates must be representative as to origin and date of movement of the flaxseed and must reflect the rate of freight paid into the storage point and the amount of penalty, if any, for out-of-line haul. The form of the certificates will be prescribed by the commodity office and shall be signed by the warehouse operator.

**§ 1421.156 Delivery charges.**

A delivery charge of ½ cent per bushel shall be paid by producers on the quantity of flaxseed delivered to CCC.

**§ 1421.157 Warehouse charges.**

(a) *Handling and storage liens.* Warehouse receipts and the flaxseed represented thereby stored in approved warehouses operating under the Uniform Grain Storage Agreement (hereinafter called "UGSA") may be subject to liens for warehouse storage and handling from the date the flaxseed is deposited in the warehouse for storage.

(b) *Responsibility for storage charges.* If the flaxseed is in store at an approved warehouse, the producer shall be responsible for storage charges through the date the flaxseed

is acquired by CCC. If such charges have not been paid or provided for by the producer, a deduction shall be made from the settlement to cover such charges. The deduction shall be at the rate approved by CCC for the warehouse.

**§ 1421.158 Support rates.**

Basic county support rates for flaxseed and the schedule of premiums and discounts will be set forth in the annual flaxseed crop supplement to the regulations contained in this subpart. The support rate for flaxseed acquired by CCC shall be the applicable basic support rate adjusted in accordance with the provisions of this section and by the premiums and discounts in the annual flaxseed crop supplement on the basis of quality factors on warehouse receipts or supplemental certificates in the case of flaxseed stored in or delivered to an approved warehouse, or on such other form as CCC may prescribe in the case of flaxseed delivered to other than an approved warehouse. Settlement shall be made in accordance with the provisions of § 1421.22 of the General Regulations.

(a) *Basic support rates for farm-stored flaxseed.* The applicable basic support rate for farm-stored flaxseed shall be the basic county support rate established for the county in which the flaxseed is stored.

(b) *Basic support rates for flaxseed stored at approved warehouses.* The applicable basic price support rate for flaxseed purchased in approved warehouse storage shall be the support rate established for the county in which the warehouse is located. If two or more approved warehouses are located in the same or adjoining towns, villages, or cities which have the same freight rate, such towns, villages, or cities shall be deemed to constitute one shipping point and the same basic county support rate shall apply even though such warehouses are not all located in the same county. Such support rate shall be the highest support rate of the counties involved.

(1) *Support rate for flaxseed delivered by truck by producer to in-line warehouse beyond normal delivery point.* The applicable support rate shall be the support rate for the county from which shipped plus the following truck freight allowance from the farm to the storing warehouse minus the distance from the farm to the producer's normal delivery point.

| Map mileage        | Allowance                       |
|--------------------|---------------------------------|
| 0-19 .....         | \$ 0                            |
| 20-50 .....        | \$ .06                          |
| 51-100 .....       | \$ .0010                        |
| 101 and over ..... | \$ .0004 per bushel<br>per mile |

(2) *Support rate for flaxseed delivered to a warehouse and shipped by truck to in-line warehouse.* The applicable support rate shall be the support rate for the county in which the shipping warehouse is located plus truck freight from schedule shown in paragraph (b) of this section plus truck receiving and truck load out charges for the shipping warehouse.

(3) *Support rate for flaxseed shipped by rail or utilizing combination barge-rail rates on file with ICC to in-line warehouse.* The applicable support rate shall be the support rate for the county from which shipped plus freight (from supplemental certificate) plus origin truck receiving and rail load out reduced by any penalty for out of line shipment or backhaul.

(4) *Support rate for flaxseed shipped by truck or barge to in-line warehouse at negotiated rate.* The applicable support rate shall be the support rate for the county from where shipped plus truck freight from schedule shown in paragraph (b)(1) of this section plus origin truck receiving and load out charge.

**NOTE.**—A Final Impact Statement is available from Harry Sullivan, ASCS, (202) 447-7951.

**NOTE.**—This rule has been determined to be not significant under the USDA criteria implementing Executive Order 12044 and contains necessary operating decisions needed to implement the national average flaxseed purchase rates announced on July 20, 1978. An approved Final Impact Statement is available from Harry Sullivan, ASCS, (202) 447-7951.

Signed at Washington, D.C., on February 9, 1979.

S. N. SMITH,  
Acting Executive Vice President,  
Commodity Credit Corporation.

[FR Doc. 79-5247 Filed 2-16-79; 2:45 am]

**[3410-05-M]**

[CCC Grain Price Support Regs., 1978 Crop Flaxseed Supplement]

**PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES**

**Subpart—1978 Crop Flaxseed Purchase Program**

**AGENCY:** Commodity Credit Corporation, USDA.

**ACTION:** Final Rule.

**SUMMARY:** The purpose of this rule is to set forth the availability dates and the purchase rates and discounts under which Commodity Credit Corporation (CCC) will extend price support on 1978 crop flaxseed. This rule is needed in order to provide a price support purchase program for 1978 crop. This rule will enable producers to

## RULES AND REGULATIONS

enter into purchase agreements with CCC on their 1978 crop flaxseed.

**EFFECTIVE DATE:** February 20, 1979.

**ADDRESS:** Price Support and Loan Division, ASCS, USDA, 3741 South Building, P.O. Box 2415, Washington, D.C. 20013.

**FOR FURTHER INFORMATION CONTACT:**

Dalton Ustynik (ASCS) (202) 447-6611.

**SUPPLEMENTARY INFORMATION:** Inasmuch as flaxseed harvest is over, compliance with the notice of proposed rulemaking public procedure and 30-day effective date provisions of 5 U.S.C. 553 and the requirements of Executive Order 12044 are impracticable and contrary to the public interest. Therefore, this supplement is issued without following such procedure.

#### FINAL RULE

The material previously appearing in 7 CFR 1421.175 through 1421.177 and the title of the subpart are revised to read as follows, effective as to the 1978 crop flaxseed. The material previously appearing in this subpart remains in full force and effect as to the crops of flaxseed to which it was applicable.

#### Subpart—1978 Crop Flaxseed Purchase Program

Sec.

1421.175 Purpose.

1421.176 Availability.

1421.177 Purchase rates and discounts.

**AUTHORITY:** Secs. 4 and 5, 62 Stat. 1070, as amended (15 U.S.C. 714 b and c); secs. 301, 401, 63 Stat. 1054, as amended (7 U.S.C. 1447, 1421).

#### Subpart—1978 Crop Flaxseed Purchase Program

§ 1421.175 Purpose.

This subpart contains program provisions which together with the 1978 and Subsequent Crops Flaxseed Purchase Program Regulations and the General Regulations Governing Price Support for 1978 and Subsequent Crops, and any amendments to such regulations set forth the requirements with respect to purchases of 1978 flaxseed.

§ 1421.176 Availability.

Producers desiring to offer eligible flaxseed for purchase by CCC must complete a purchase agreement (Form CCC-614) at the ASCS office on or before May 31, 1979, on flaxseed in the States of Minnesota, Montana, North Dakota, South Dakota, and Wisconsin, and on or before April 30, 1979, on flaxseed in all other States. Purchases will be made by CCC from producers with completed purchase agreements after the above dates.

§ 1421.177 Purchase rates and discounts.

(a) *Basic purchase rates (counties).* Basic purchase rates per bushel are established for flaxseed grading No. 1 containing 9.1 to 9.5 percent moisture and are as follows:

| County            | Rate per bushel | County              | Rate per bushel |
|-------------------|-----------------|---------------------|-----------------|
| <b>MINNESOTA</b>  |                 |                     |                 |
| Becker            | \$4.58          | Adams               | \$4.35          |
| Beltrami          | 4.55            | Barnes              | 4.53            |
| Big Stone         | 4.62            | Benson              | 4.43            |
| Blue Earth        | 4.68            | Billings            | 4.36            |
| Brown             | 3.66            | Bottineau           | 4.37            |
| Carlton           | 4.72            | Bowman              | 4.34            |
| Carver            | 4.70            | Burke               | 4.33            |
| Chippewa          | 4.66            | Burleigh            | 4.45            |
| Clay              | 3.58            | Cass                | 4.55            |
| Clearwater        | 4.62            | Cavaller            | 4.46            |
| Cottonwood        | 4.64            | Dickey              | 4.51            |
| Dakota            | 4.70            | Divide              | 4.32            |
| Dodge             | 4.70            | Dunn                | 4.38            |
| Douglas           | 4.64            | Eddy                | 4.40            |
| Faribault         | 4.67            | Emmons              | 4.45            |
| Fillmore          | 4.67            | Foster              | 4.49            |
| Freeborn          | 4.68            | Golden Valley       | 4.33            |
| Goodhue           | 4.70            | Grand Forks         | 4.53            |
| Grant             | 4.62            | Grant               | 4.41            |
| Hennepin          | 4.72            | Griggs              | 4.51            |
| Hubbard           | 4.63            | Hettinger           | 4.38            |
| Itasca            | 4.70            | Kidder              | 4.47            |
| Jackson           | 4.63            | LaMoure             | 4.51            |
| Kandiyohi         | 4.68            | Logan               | 4.47            |
| Kittson           | 4.53            | McHenry             | 4.38            |
| Koochiching       | 4.63            | McIntosh            | 4.47            |
| Lac Qui Parle     | 4.64            | McKenzie            | 4.32            |
| Lake of the Woods | 4.55            | McLean              | 4.36            |
| Le Sueur          | 4.70            | Mercer              | 4.40            |
| Lincoln           | 4.60            | Morton              | 4.42            |
| Lyon              | 4.63            | Mountrail           | 4.33            |
| McLeod            | 4.70            | Nelson              | 4.49            |
| Mahnomen          | 4.58            | Oliver              | 4.40            |
| Marshall          | 4.57            | Pembina             | 4.50            |
| Martin            | 4.65            | Pierce              | 4.39            |
| Meeker            | 4.70            | Ramsey              | 4.47            |
| Mower             | 4.58            | Ransom              | 4.50            |
| Murray            | 4.61            | Renville            | 4.35            |
| Nicollet          | 4.68            | Richland            | 4.57            |
| Nobles            | 4.60            | Rolette             | 4.39            |
| Norman            | 4.58            | Sargent             | 4.55            |
| Olmsted           | 4.69            | Sheridan            | 4.40            |
| Otter Tail        | 4.61            | Sioux               | 4.43            |
| Pennington        | 3.57            | Slope               | 4.38            |
| Pipestone         | 4.59            | Stark               | 4.36            |
| Polk              | 4.58            | Steele              | 4.33            |
| Pope              | 4.66            | Stutsman            | 4.50            |
| Ramsey            | 4.70            | Towner              | 4.41            |
| Red Lake          | 4.57            | Trall               | 4.54            |
| Redwood           | 4.66            | Walsh               | 4.52            |
| Renville          | 4.68            | Ward                | 4.35            |
| Rice              | 4.70            | Wells               | 4.43            |
| Rock              | 3.57            | Williams            | 4.32            |
| Roseau            | 4.54            | <b>SOUTH DAKOTA</b> |                 |
| St. Louis         | 4.72            | Aurora              | \$4.40          |
| Scott             | 4.70            | Beadle              | 4.52            |
| Sibley            | 4.70            | Bennett             | 4.39            |
| Stearns           | 4.68            | Bon Homme           | 4.49            |
| Steele            | 4.70            | Brookings           | 4.57            |
| Stevens           | 4.64            | Brown               | 4.52            |
| Swift             | 4.66            | Brule               | 4.47            |
| Todd              | 4.66            | Buffalo             | 4.48            |
| Traverse          | 4.60            | Butte               | 4.32            |
| Wabasha           | 4.70            | Campbell            | 4.44            |
| Waseca            | 4.70            | Charles Mix         | 4.45            |
| Washington        | 4.70            | Clark               | 4.55            |
| Watonwan          | 4.66            | Clay                | 4.51            |
| Wilkin            | 4.59            | Codington           | 4.57            |
| Winona            | 4.68            | Corson              | 4.40            |
| Wright            | 4.70            | Custer              | 4.36            |
| Yellow Medicine   | 4.66            | Davison             | 4.49            |
| <b>MONTANA</b>    |                 |                     |                 |
| Carter            | \$4.31          | Day                 | 4.55            |
| Custer            | 4.27            | Deuel               | 4.60            |
| Daniels           | 4.28            | Dewey               | 4.39            |
| Dawson            | 4.32            | Douglas             | 4.46            |
| Fallon            | 4.32            | Edmonds             | 4.49            |
| McCone            | 4.30            | Fall River          | 4.38            |
| Powder River      | 4.25            | Faulk               | 4.50            |
| Prairie           | 4.29            | Grant               | 4.59            |
| Richland          | 4.32            | Gregory             | 4.45            |
| Roosevelt         | 4.31            | Haakon              | 4.42            |
|                   |                 | Hamlin              | 4.57            |
|                   |                 | Hand                | 4.50            |
|                   |                 | Hanson              | 4.49            |

| County                        | Rate per bushel |
|-------------------------------|-----------------|
| <b>SOUTH DAKOTA—Continued</b> |                 |
| Harding                       | 4.34            |
| Hughes                        | 4.48            |
| Hutchinson                    | 4.48            |
| Hyde                          | 4.48            |
| Jackson                       | 4.41            |
| Jerauld                       | 4.49            |
| Jones                         | 4.45            |
| Kingsbury                     | 4.54            |
| Lake                          | 4.54            |
| Lawrence                      | 4.32            |
| Lincoln                       | 4.51            |
| Lyman                         | 4.48            |
| McCook                        | 4.50            |
| McPherson                     | 4.47            |
| Marshall                      | 4.54            |
| Meade                         | 4.36            |
| Mellette                      | 4.44            |
| Miner                         | 4.52            |
| Minnehaha                     | 4.53            |
| Moody                         | 4.57            |
| Pennington                    | 4.37            |
| Perkins                       | 4.38            |
| Potter                        | 4.48            |
| Roberts                       | 4.57            |
| Sanborn                       | 4.50            |
| Shannon                       | 4.38            |
| Spink                         | 4.53            |
| Stanley                       | 4.48            |
| Sully                         | 4.48            |
| Todd                          | 4.42            |
| Tripp                         | 4.44            |
| Turner                        | 4.49            |
| Union                         | 4.51            |
| Walworth                      | 4.46            |
| Washabaugh                    | 4.41            |
| Yankton                       | 4.51            |
| Ziebach                       | 4.37            |

|   |      |
|---|------|
| <b>TEXAS</b>                                    |      |
| <b>(Special Purchase Program Only Counties)</b> |      |
| Atascosa  | 4.31 |
| Bee   | 4.40 |
| Bell  | 4.24 |
| Bexar   | 4.30 |
| Caldwell  | 4.28 |
| Calhoun   | 4.33 |
| Comal   | 4.28 |
| DeWitt  | 4.32 |
| Dimmit  | 4.20 |
| Duval   | 4.34 |
| Erio  | 4.27 |
| Goliad  | 4.38 |
| Gonzales  | 4.30 |
| Guadalupe                                       | 4.29 |
| Hidalgo   | 4.27 |
| Jackson   | 4.31 |
| Jim Wells                                       | 4.39 |
| Karnes  | 4.37 |
| Kleberg   | 4.39 |
| Lamar   | 4.14 |
| Live Oak  | 4.38 |
| McMullen  | 4.33 |
| Matagorda                                       | 4.32 |
| Nueces  | 4.42 |
| Refugio   | 4.41 |
| San Patricio                                    | 4.42 |
| Victoria  | 4.35 |
| Wharton   | 4.34 |
| Wilson  | 4.34 |

(b) *Discounts.* The basic purchase rate shall be adjusted, as applicable by the following discounts:

(1) *Test weight.*

Three cents for each pound under 49 pounds to 42 pounds and 4 cents for each ½ pound under 42 pounds.

(2) *Heat damage.*

One-half cent for each .1 of one percent over .2 of one percent.

(3) *Moisture.*

Two cents for each one-half of one percent to 11 percent and 3 cents for each one-half of one percent over 11 percent.

(4) *Weed control law (where required by § 1421.25).*

Fifteen cents per bushel.

(5) *Other factors:* Amounts determined by CCC to represent market discounts for quality factors not specified above which affect the value of flaxseed, such as (but not limited to) musty and sour. Such discounts will be established not later than the time delivery of flaxseed to CCC begins and will thereafter be adjusted from time to time as CCC determines appropriate to reflect changes in market conditions. Producers may obtain schedules of such factors and discounts at county ASCS offices approximately one month prior to the final date for completing purchase agreements in their State under § 1421.175.

**NOTE:** A Final Impact Statement is available from Harry Sullivan, ASCS, (202) 447-7951.

**NOTE:** This rule has been determined to be not significant under the USDA criteria implementing Executive Order 12044 and contains necessary operating decisions needed to implement the national average 1978 flaxseed purchase rates announced on July 20, 1978. An approved Final Impact Statement is available from Harry Sullivan, ASCS, (202) 447-7951.

Signed at Washington, D.C., on February 9, 1979.

S. N. SMITH,  
Acting Executive Vice President,  
Commodity Credit Corporation.

[FR Doc. 79-5248 Filed 2-16-79; 8:45 am]

[3410-05-M]

[CCC Grain Price Support Regs., Grain Reserve Program Supplement, Amdt. 1]

**PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES**

**Subpart—Regulations Governing the Grain Reserve Program for 1976 and Subsequent Crops**

**CORRECTIONS**

**AGENCY:** Commodity Credit Corporation, USDA.

**ACTION:** Correction of Final Rule.

**SUMMARY:** This action corrects a previous FEDERAL REGISTER document (FR Doc. 78-33456), beginning at page 55741 of the issue for Wednesday, November 29, 1978, which amended the General Regulations Governing the Grain Reserve Program for the 1976 and Subsequent Crops. In that document language was inadvertently omitted or in error and a subparagraph was misdesignated.

**EFFECTIVE DATE:** November 29, 1978.

**FOR FURTHER INFORMATION CONTACT:**

Harold L. Jamison, Price Support and Loan Division, ASCS, U.S. Department of Agriculture, Washington, D.C. 20515, (202) 447-7973.

**SUPPLEMENTARY INFORMATION:**

The Commodity Credit issued a final rule with an effective date of November 29, 1978. Action is taken herein to correct errors in the preamble summary, and §§ 1421.534, 1421.540, and 1421.543 of the final rule. Since the changes are merely clarifying in nature, notice and public procedure thereon are not considered necessary.

In FR Doc. 78-33456 appearing at pages 55741 and 55742 in the FEDERAL REGISTER of November 29, 1978, the following corrections are hereby made:

In the last sentence of paragraph 1 of the preamble summary, appearing on page 55741, the word "can" should be deleted and the word "cannot" should be added immediately following the words "when in-line storage" and immediately before the word "found".

§ 1421.534 [Corrected]

In the last sentence of § 1421.534 (b), *Commodities*, appearing on page 55742, the word "closed" should be deleted and the word "suspended" should be added immediately following the words "program will be" and immediately before the words "to new applicants".

§ 1421.540 [Corrected]

In § 1421.540(d), *Eligible storage credit*, appearing on page 55742, the first four lines of the second sentence in that paragraph should be deleted and the language "However, notwithstanding the above exception and similar provisions of paragraph 2" should be added before the words "of the Farm".

§ 1421.543 [Corrected]

In § 1421.543(b), *Redemption or voluntary forfeiture of commodity below release levels*, appearing on page 55742, the paragraph subdivision "(ii)" should be deleted and "(2)" added before the heading "Emergency release".

Dated: February 9, 1979.

S. N. SMITH,  
Acting Executive Vice President,  
Commodity Credit Corporation.

[FR Doc. 79-5260 Filed 2-16-79; 8:45 am]

[7590-01-M]

## Title 10—Energy

CHAPTER I—NUCLEAR REGULATORY  
COMMISSIONPART 35—HUMAN USES OF  
BYPRODUCT MATERIALChange in License Conditions for  
Certain Medical LicensesAGENCY: U.S. Nuclear Regulatory  
Commission (NRC).

ACTION: Final rule.

**SUMMARY:** The Nuclear Regulatory Commission is amending its regulations (a) to permit physicians greater latitude, when they use certain low risk diagnostic radiopharmaceuticals, by no longer designating authorized clinical procedures and (b) by deleting from several licensing groups certain chemical forms not approved by FDA.

**EFFECTIVE DATE:** The amendment becomes effective on March 22, 1979.

FOR FURTHER INFORMATION  
CONTACT:

Edward Podolak, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 (Phone: 301-443-5860).

**SUPPLEMENTARY INFORMATION:** On March 17, 1978, the NRC published for a 60-day comment period a proposed rule (43 FR 11206) to amend its regulations to delete the specification of the diagnostic clinical procedures from the lists of radiopharmaceuticals in Groups I, II, and III of § 35.100. In the same proposal an amendment to § 35.14 would require physicians to follow the product labeling for the chemical and physical form, route of administration and recommended dosage range when they use Groups I, II and III radiopharmaceuticals for clinical procedures not specified in the product labeling. In the same proposal the Commission also proposed to update the lists in Groups I, II and III by deleting certain chemical forms not approved by the Food and Drug Administration (FDA).

<sup>1</sup>The most common types of NRC specific licenses for the medical uses of byproduct material are the Group medical licenses under § 35.14 that apply to those radioactive materials listed in § 35.100. The radioactive materials listed in § 35.100 are divided into six groups, each group having similar requirements for user training and experience facilities and equipment, and radiation safety procedures. Groups I, II and III are lists of radiopharmaceuticals for diagnostic procedures; Groups IV and V are lists of radiopharmaceuticals for therapeutic procedures; and Group VI is a list of radioactive medical devices for both diagnostic and therapeutic procedures.

Copies of the proposed rule were sent to all NRC medical licensees, the States and 25 professional societies and individuals. Eighteen comment letters were received. Seven commenters favored the proposal without qualification. Seven commenters favored the proposal but suggested a change. Three commenters objected to the proposal. One commenter discussed a point that was beyond the scope of the proposal but will be considered by NRC separately.

## DISCUSSION OF MAJOR COMMENTS

The comments favoring the proposal but suggesting a change suggested that NRC should not restrict physicians to follow the product labeling for the chemical and physical form, route of administration and recommended dosage range when using radiopharmaceuticals for clinical procedures not specified in the product labeling. Most of these commenters felt that the route of administration should be left to the physician. The example cited most often was the administration of Tc-99m pertechnetate orally or rectally when it has been approved by FDA only for intravenous administration. These commenters state that the oral or rectal route might, in some instances, be safer than intravenous administration, for example, in an emergency situation or when a vein is not available for injection. One commenter suggested that agents approved by FDA for intravenous injections should be allowed to be injected into the venous side of the circulation through an in-swelling heart catheter or even into the pulmonary arterial circulation through a Swan-Ganz catheter. Two commenters pointed out that FDA does not restrict the physician to the chemical and physical form route of administration or recommended dosage range in the product labeling. One commenter expressed concern that the NRC restrictions would hinder research into new uses and dosage forms.

Some of these commenters who suggested that NRC should not restrict the route of administration and dosage range erroneously assumed that these restrictions also applied when using drugs for clinical procedures specified in the product labeling. With the exception of the restriction on the chemical and physical form of the radiopharmaceutical, which will still be specified in the § 35.100 Groups, the NRC restrictions on route of administration and dosage range apply *only* when physicians use a radiopharmaceutical for clinical procedures not specified in the product labeling. Stated alternatively, physicians may depart from the product labeling regarding dosage range and route of administration when they follow that

labeling regarding the FDA-approved clinical procedure. This policy is consistent with FDA's recognition that good medical practice requires physicians to be free to use drugs according to their best knowledge and judgment in the interest of the patient. The compatibility between NRC and FDA policy in this matter is discussed in detail in the preamble to the proposed regulation (43 FR 11206). The Commission recognizes that holding physicians to the labeled chemical and physical form, labeled route of administration, and labeled dosage range (when they use a radiopharmaceutical for clinical procedures not specified in the product labeling) is more restrictive than FDA. The Commission believes that these restrictions minimize the risk to patients from diagnostic clinical procedures that have not been approved by FDA.

Regarding the comment about hindering research, each of the Groups I, II, and III includes a provision authorizing the use of products for which a "Notice of Claimed Investigational Exemption for a New Drug" (IND) has been accepted by the FDA. Research may also be conducted under NRC licenses of broad scope provided the studies are performed in accordance with FDA regulations and are approved by the licensee's Medical Isotopes Committee.

One commenter who disapproved of the proposed rule believes that the existing rule provides adequate control and should not be changed. Another commenter challenged the assumption that physicians always use their best knowledge and judgment when using drugs for unapproved uses. This commenter noted that the patient is generally totally incompetent to judge whether the benefit of a procedure exceeds the risk and that the proof of damage generally rests with the patient. The this commenter who disapproved of the proposed rule questioned how the benefit-risk decision would be made by the physician. These commenters wanted to know if the procedure is automatically warranted when there is an expectation that the procedure will yield some useful diagnostic information.

In answer, the Commission believes that the use of diagnostic radiopharmaceuticals listed in Groups I, II and III for clinical procedures not yet approved by FDA entails low risk to the patient, provided the chemical and physical form, route of administration and the dosage range remain the same as specified in the radiopharmaceutical labeling. Advances in medical knowledge and practice inevitably precede labeling revision by the manufacturer and formal label approval by the FDA. Good medical practice and patient interests are best served when



the physicians are free to use radiopharmaceuticals to their best knowledge and judgment, notwithstanding the opportunity for abuse of this freedom by some physicians.

The text of the final rule has not changed from the text of the proposed rule except for: (1) The additions of some chemical forms that have been added to the § 35.100 groups through previous *FEDERAL REGISTER* notices; and (2) the names of some chemical forms have been changed to conform with FDA guidelines (e.g., "diethylenetriaminepentaacetic acid" is now called "pentatate sodium").

Under the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and Sections 552 and 553 of Title 5 of the United States Code, the following amendments to Title 10, Chapter I, Code of Federal Regulations, Part 35 are published as a document subject to codification.

1. In § 35.14(b), a new paragraph (6) is added which reads as follows:

§ 35.14 Specific licenses for certain groups of medical uses of byproduct material.

(b) \*\*\*

(6) For Groups I, II and III any licensee using byproduct material for clinical procedures other than those specified in the product labeling (package insert) shall comply with the product labeling regarding:

- (i) Chemical and physical form;
- (ii) Route of administration; and
- (iii) Dosage range.

2. In § 35.100, paragraphs (a), (b) and (c) are revised to read as follows:

§ 35.100 Schedule A—Groups of medical uses of byproduct material.

(a) *Group I.* Use of prepared radiopharmaceuticals for certain diagnostic studies involving measurements of uptake, dilution and excretion. This group does not include imaging or localization studies.

(1) Iodine-131 as sodium iodide, iodinated human serum albumin, labeled rose bengal, triolein, or sodium iodohippurate;

(2) Iodine-125 as sodium iodide, iodinated human serum albumin, oleic acid or sodium iothalamate;

(3) Cobalt-58 as labeled cyanocobalamin;

(4) Cobalt-60 as labeled cyanocobalamin;

(5) Chromium-51 as sodium chromate or labeled human serum albumin;

(6) Iron-59 as citrate;

(7) Technetium-99m as pertechnetate; and

(8) Any byproduct material in a radiopharmaceutical and for a diagnostic use involving measurements of uptake, dilution or excretion for which a "Notice of Claimed Investigational Exemption for a New Drug" (IND) has been accepted by the Food and Drug Administration (FDA).

(b) *Group II.* Use of prepared radiopharmaceuticals for diagnostic imaging and localization studies

(1) Iodine-131 as sodium iodide, iodinated human serum albumin, macroaggregated iodinated human serum albumin, colloidal (microaggregated) iodinated human serum albumin, rose bengal or sodium iodohippurate;

(2) Iodine-125 as sodium iodide or fibrinogen;

(3) Chromium-51 as human serum albumin;

(4) Gold-198 in colloidal form;

(5) Mercury-197 as chlormerodrin;

(6) Mercury-203 as chlormerodrin;

(7) Selenium-75 as selenomethionine;

(8) Strontium-85 as nitrate;

(9) Technetium-99m as pertechnetate, sulfur colloid or macroaggregated human serum albumin;

(10) Ytterbium-169 as pentatate sodium;

(11) Indium-113m as chloride;

(12) Any byproduct material in a radiopharmaceutical prepared from a reagent kit listed in paragraph (c)(4) of this section; and

(13) Any byproduct material in a radiopharmaceutical and for a diagnostic use involving imaging or localizing for which a "Notice of Claimed Investigational Exemption for a New Drug" (IND) has been accepted by the Food and Drug Administration (FDA).

(c) *Group III.* Use of generators and reagent kits for the preparation and use of radiopharmaceuticals containing byproduct material for certain diagnostic studies.

(1) Molybdenum-99/technetium-99m generators for the elution of technetium-99m as pertechnetate;

(2) Technetium-99m as pertechnetate for use with reagent kits for preparation and use of radiopharmaceuticals containing technetium-99m as provided in paragraphs (c) (4) and (5) of this section;

(3) Tin-113/indium-113m generators for the elution of the indium-113m as chloride;

(4) Reagent kits for preparation of technetium-99m labeled:

(i) Sulfur colloid;

(ii) Pentatate sodium;

(iii) Human serum albumin microspheres;

(iv) Polyphosphates;

(v) Macroaggregated human serum albumin;

(vi) Etidronate sodium;

(vii) Stannous pyrophosphate;

(viii) Human serum albumin;

(ix) Medronate sodium;

(x) Glucoptate sodium; and

(5) Any generator or reagent kit for preparation and diagnostic use of a radiopharmaceutical containing byproduct material for which generator or reagent kit a "Notice of Claimed Investigational Exemption of a New Drug" (IND) has been accepted by the Food and Drug Administration (FDA).

(Secs. 81, 167b, Pub. Law 83-703, as amended, 68 Stat. 935, 948 (42 U.S.C. 2111, 2201); Sec. 201, Pub. Law 93-438, as amended, 88 Stat. 1242 (42 U.S.C. 5941).)

Dated at Washington, D.C. this 13th day of February 1979.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,  
Secretary of the Commission.

[FR Doc. 79-5266 Filed 2-16-79; 8:45 am]

[4910-13-M]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 78-EA-118, Amdt. 39-34151]

PART 39—AIRWORTHINESS DIRECTIVES

AVCO Lycoming

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final Rule.

SUMMARY: This amendment amends airworthiness directive (AD) 77-07-07 applicable to Lycoming O-320-H2AD-76 type aircraft engines which required alteration of the oil filter extension. This amendment will clarify the designation of the applicable engines. It appears that the present identification of the engines has caused some engines to remain unaltered which were intended to be covered by the AD.

DATE: February 20, 1979. Compliance is required as set forth in the AD.

ADDRESS: AVCO Lycoming Bulletins may be acquired from the manufacturer at AVCO Lycoming Division, Williamsport, Pennsylvania.

FOR FURTHER INFORMATION CONTACT:

E. Manzi, Propulsion Section, AEA-214, Engineering and Manufacturing Branch, Federal Building, J.F.K. International Airport, Jamaica, New York 11430; Tel. 212-995-2894.

SUPPLEMENTARY INFORMATION: The original need for expeditious im-

plementation of AD 77-07-07 still exists for this amendment. Since this deficiency affects air safety, notice and public procedure hereon are impractical and good cause exists for making the rule effective in less than 30 days.

#### ADOPTION OF THE AMENDMENT

Accordingly, and pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended, by amending AD 77-07-07, as follows:

Amend the applicability paragraph of AD 77-07-07 to read as follows:

Applies to the 0-320-H2AD series Lycoming engines Serial Numbers L-101-76 thru L-1049-76.

Effective date: This amendment is effective February 20, 1979.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act, (49 U.S.C. 1655(c)); 14 CFR 11.89).

Issued in Jamaica, New York, on February 6, 1979.

L. J. CARDINALI,  
Acting Director,  
Eastern Region.

[FR Doc. 79-5198 Filed 2-16-79; 8:45 am]

[4910-13-M]

[Docket No. 78-EA-117, Amdt. 39-3414]

#### PART 39—AIRWORTHINESS DIRECTIVES

##### AVCO Lycoming

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment amends a new airworthiness directive (AD) 78-12-09 applicable to Lycoming 0-320-H type aircraft engines and by deleting one serial numbered engine and adding six (6) others. The AD requires the removal and replacement of the crankshaft assembly and this amendment results from further review of the problem and the need to cover additional engines.

DATE: February 20, 1979. Compliance is required as set forth in the AD.

ADDRESS: AVCO Lycoming Bulletins may be acquired from the manufacturer at AVCO Lycoming Division, Williamsport, Pennsylvania.

#### FOR FURTHER INFORMATION CONTACT:

E. Manzi, Propulsion Section, AEA-214, Engineering and Manufacturing Branch, Federal Building, J.F.K. International Airport, Jamaica, New York 11430; Tel. 212-995-2894.

SUPPLEMENTARY INFORMATION: The need for expeditious promulga-

tion which existed for the original publication still exists. Since this deficiency affects air safety, notice and public procedure hereon are impractical and good cause exists for making the rule effective in less than 30 days.

#### ADOPTION OF THE AMENDMENT

Accordingly, and pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended, amending AD 78-12-09, as follows:

Amend AD 78-12-09 as follows:

1. Delete Serial Number L-4311-76 from the applicability list.

2. Add the following serial numbers to the applicability list:

L-2115-76, L-2837-76, L-2908-76, L-2921-76, L-2999-76, L-3402-76 and L-3411-76.

Effective Date: This amendment is effective February 20, 1979.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act, (49 U.S.C. 1655(c)); and 14 CFR 11.89).

Issued in Jamaica, New York, on February 6, 1979.

L. J. CARDINALI,  
Acting Director,  
Eastern Region.

[FR Doc. 79-5199 Filed 2-16-79; 8:45 am]

[4910-13-M]

[Docket No. 78-GL-10; Amdt. 39-3416]

#### PART 39—AIRWORTHINESS DIRECTIVES

##### Taylorcraft Aviation Corporation— Model F-19

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires the replacement of the present twelve gauge wire in the alternator output circuit with an eight gauge shielded wire and changes its termination such that it will connect the starter solenoid "battery terminal" to the ammeter "ignition switch terminal" on Taylorcraft Aviation Corporation Model F-19. The AD is needed to prevent overheating of the twelve gauge wire and the master switch, which could result in a fire, or other hazardous failure of the master switch.

DATES: Effective—February 23, 1979. Compliance required within the next fifty hours time in service after the effective date of this AD or by July 1, 1979, whichever occurs first.

#### FOR FURTHER INFORMATION CONTACT:

Cornelius Biemond, Engineering and Manufacturing Branch, Flight

Standards Division, AGL-217, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (312) 694-4500, extension 460.

#### SUPPLEMENTARY INFORMATION:

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring the replacement of part of the charging circuit on Taylorcraft Aviation Corporation Model F-19 was published in the FEDERAL REGISTER at 43 FR 59515. The proposal was prompted by the FAA's determination that the electrical charging circuit was inadequate for the output capacity of the alternator.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received. Accordingly, the proposal is adopted without change.

#### ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive:

TAYLORCRAFT AVIATION CORPORATION: Applies to Taylorcraft Model F-19 aircraft, serial numbers 001 through 112, 115 through 130, and 132.

Compliance is required as indicated. To prevent fire hazard in the charging circuit, accomplish the following:

This AD must be accomplished prior to next 50 hours time in service after the effective date of this AD or by July 1, 1979, whichever occurs first.

Remove the 12 gauge wire, identified as P/N-10, which connects the starter solenoid "battery terminal" with the master switch.

Use Mil Spec M11C7078 or equivalent 8 gauge shielded wire, to fabricate a cable in the same manner as the 8 gauge cable from the alternator to the ammeter. Use appropriate wire terminals. Attach this cable to the ignition switch terminal of the ammeter. Route this 8 gauge wire through the opening in the firewall where the 12 gauge wire previously ran and attach it to the starter solenoid "battery terminal". (See attached wiring diagram.)

This amendment becomes effective February 23, 1979.

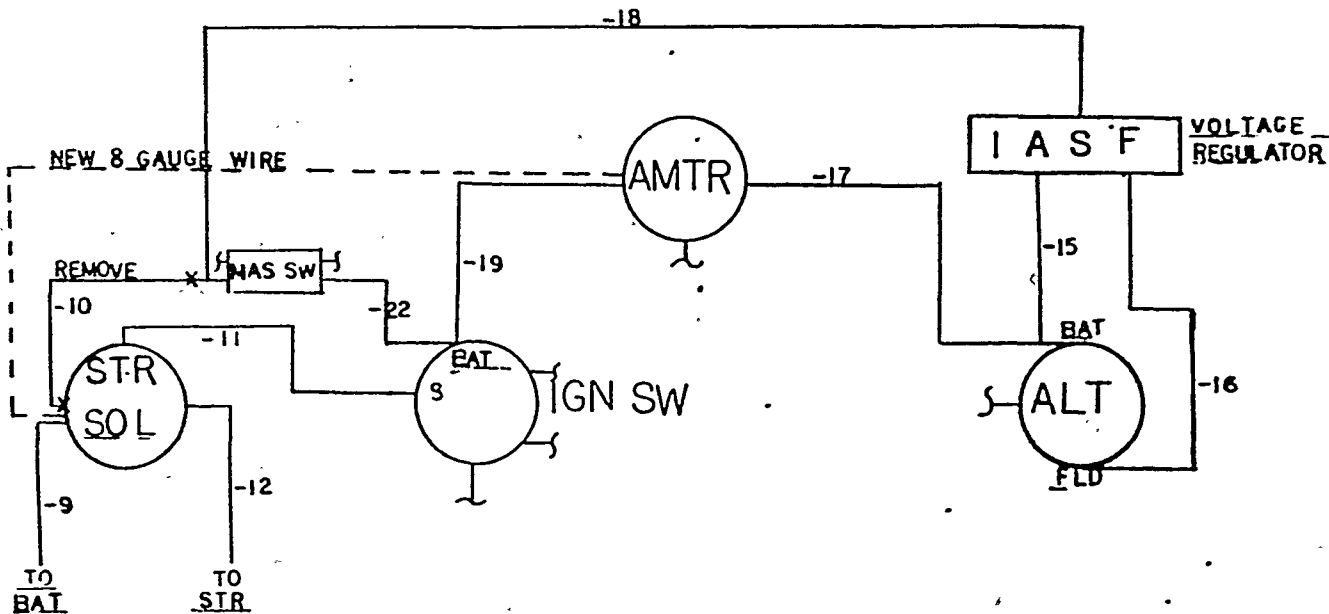
(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89.)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Des Plaines, Illinois, on February 8, 1979.

JOHN TRUHAN,  
Acting Director,  
Great Lakes Region.





WIRING DIAGRAM FOR  
TAYLORCRAFT F-19 A.D.

[FR Doc. 79-5197 Filed 2-16-79; 8:45 am]

[4910-13-M]

[Airspace Docket No. 78-GL-16]

**PART 71—DESIGNATION OF FEDERAL  
AIRWAYS AREA LOW ROUTES,  
CONTROLLED AIRSPACE, AND RE-  
PORTING POINTS**

**Designation of Transition Area**

AGENCY: Federal Aviation Adminis-  
tration (FAA), DOT.

ACTION: Final Rule.

SUMMARY: The nature of this federal  
action is to designate additional con-  
trolled airspace near Springfield, Min-  
nesota to accommodate a new VOR/  
DME instrument approach procedure  
into the Springfield Municipal Air-

port, established pursuant to a request  
from the Springfield Municipal Air-  
port officials to provide that facility  
with instrument approach capability.

EFFECTIVE DATE: April 19, 1979.

FOR FURTHER INFORMATION  
CONTACT:

Doyle Hegland, Airspace and Proce-  
dures Branch, Air Traffic Division,  
AGL-530, FAA, Great Lakes Region,  
2300 East Devon Avenue, Des  
Plaines, Illinois 60018, Telephone  
(312) 694-4500, Extension 456.

SUPPLEMENTARY INFORMATION:  
The intended effect of this action is to  
insure segregation of the aircraft  
using this approach procedure in in-  
strument weather conditions, and  
other aircraft operating under visual

conditions. The floor of the controlled  
airspace in this area will be lowered  
from 1200' above ground to 700' above  
ground. The development of the pro-  
posed instrument procedures necessi-  
tates the FAA to lower the floor of the  
controlled airspace. The minimum de-  
scent altitude for this procedure may  
be established below the floor of the  
700 foot controlled airspace. In addi-  
tion, aeronautical maps and charts will  
reflect the area of the instrument pro-  
cedure which will enable other aircraft  
to circumnavigate the area in order to  
comply with applicable visual flight  
rule requirements.

**DISCUSSION OF COMMENTS**

On page 56678 of the FEDERAL REGIS-  
TER dated December 4, 1978, the Fed-

eral Aviation Administration published a Notice of Proposed Rule Making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Springfield, Minnesota. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No objections were received as a result of the Notice of Proposed Rule Making.

#### ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective April 19, 1979, as follows:

In § 71.181 (43 FR 440) the following transition area is added:

#### SPRINGFIELD, MINN.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Springfield Municipal Airport [Latitude 44°13'53" N., longitude 94°59'54" W.] and within 2 statute miles each side of the 158° radial of the Redwood Falls VORTAC, extending from the 5-mile radius to 6 miles northwest of the airport, excluding that portion within the Windom Municipal Airport transition area.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); sec. 11.61, Federal Aviation Regulations (14 CFR 11.61).)

NOTE.—The Federal Aviation Administration has determined that this document involves a proposed regulation which is not considered to be significant under the procedures and criteria prescribed by Executive Order 12044 and as implemented by interim Department of Transportation guidelines (43 FR 9582; March 8, 1978).

Issued in Des Plaines, Illinois, on February 8, 1979.

JOHN TRUHAN,  
Acting Director,  
Great Lakes Region.

[FR Doc. 79-5196 Filed 2-16-79; 8:45 am]

#### [4910-13-M]

[Airspace Docket No. 79-SO-9]

### PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

#### Alteration of Transition Area, Selma, Ala.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final Rule.

SUMMARY: This rule alters the Selma, Alabama, transition area. The size of the designated airspace is being

reduced to coincide with new public instrument approach procedures now being developed for Craig Field Airport.

EFFECTIVE DATE: April 19, 1979.

ADDRESS: Federal Aviation Administration, Chief, Air Traffic Division, P. O. Box 20636, Atlanta, Georgia 30320.

FOR FURTHER INFORMATION CONTACT:

William F. Herring, Airspace and Procedures Branch, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone: 404-763-7646.

SUPPLEMENTARY INFORMATION: The existing transition area was required to protect aircraft conducting Instrument Flight Rule (IFR) operations when Craig Air Force Base was in operation. The Air Force Base has been closed and the City of Selma is reopening the facility for civil aircraft operations. The size of the transition area required for civil aircraft is smaller than was required for military aircraft. Therefore, the Transition Area is being reduced and it is necessary to alter the description of the Selma, Alabama, Transition Area to reflect the reduction in size. Since this alteration reduces the burden upon the public, notice and public procedure hereon are not necessary.

#### ADOPTION OF THE AMENDMENT

Accordingly, Subpart G, § 71.181 (44 FR 442) of Part 71 of the Federal Aviation Regulations (14 CFR 71) is amended, effective 0901 GMT, April 19, 1979, as hereinafter set forth:

#### SELMA, ALABAMA

The present description is deleted and " \* \* \* that airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Craig Field Airport (altitude 32°20'30" N., longitude 86°59'15" W.) \* \* \* " is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)), sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).

NOTE.—The Federal Aviation Administration has determined that this document involves a regulation which is not considered to be significant under the procedures and criteria prescribed by Executive Order 12044 and as implemented by interim Department of Transportation guidelines (43 FR 9582; March 8, 1978).

Issued in East Point, Georgia, on February 7, 1979.

GEORGE R. LACAILLE,  
Acting Director,  
Southern Region.

[FR Doc. 79-5202 Filed 2-16-79; 8:45 am]

#### [4910-13-M]

[Airspace Docket No. 78-SO-57]

### PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

#### Designation of Transition Area, Butler, Ala.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final Rule.

SUMMARY: This rule designates the Butler, Alabama, transition area and will lower the base of controlled airspace in the vicinity of the Butler-Choctaw County Airport from 1200 to 700 feet to accommodate Instrument Flight Rule (IFR) operations. A public use instrument approach procedure has been developed for the Butler-Choctaw County Airport and the additional controlled airspace is required to protect aircraft conducting Instrument Flight Rule (IFR) operations.

EFFECTIVE DATE: April 19, 1979.

ADDRESS: Federal Aviation Administration, Chief, Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320.

FOR FURTHER INFORMATION CONTACT:

William F. Herring, Airspace and Procedures Branch, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone: 404-763-7646.

SUPPLEMENTARY INFORMATION: A Notice of Proposed Rulemaking was published in the FEDERAL REGISTER on Monday, September 18, 1978 (43 FR 41409), which proposed the designation of the Butler, Alabama, transition area. No objections were received from this notice.

#### ADOPTION OF THE AMENDMENT

Accordingly, Subpart G, § 71.181 (44 FR 442) of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective 0901 G.m.t., April 19, 1979, by adding the following:

#### BUTLER, ALABAMA

That airspace extending upward from 700 feet above the surface within a 7.5-mile radius of Butler-Choctaw County Airport (Lat. 32°07'06" N., Long. 88°07'42" W.).

(Sec. 307(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)) sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)).)

NOTE.—The Federal Aviation Administration has determined that this document involves a regulation which is not considered to be significant under the procedures and criteria prescribed by Executive Order 12044

and as implemented by interim Department of Transportation guidelines (43 FR 9582; March 8, 1978).

Issued in East Point, Georgia, on February 7, 1979.

GEORGE R. LACAILLE,  
Acting Director,  
Southern Region.

[FR Doc. 79-5201 Filed 2-16-79; 8:45 am]

[4910-13-M]

[Airspace Docket No. 78-RM-25]

**PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE AND REPORTING POINTS**

**Establishment and Alteration of Transition Areas**

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes a 700' transition area at Wagner, South Dakota and lowers the 9,500' floored airspace to a 1,200' transition area at Mitchell, South Dakota, to provide controlled airspace for aircraft executing the new NDB runway 26 standard instrument approach procedure developed for the Wagner Municipal Airport, Wagner, South Dakota.

EFFECTIVE DATE: 0901 G.m.t., April 19, 1979.

**FOR FURTHER INFORMATION CONTACT:**

Pruett B. Helm, Operations, Procedures and Airspace Branch, Air Traffic Division, ARM-500, Federal Aviation Administration, Rocky Mountain Region, 10455 East 25th Avenue, Aurora, Colorado 80010; telephone (303) 837-3937.

**SUPPLEMENTARY INFORMATION:**

**HISTORY**

On January 4, 1979, the Federal Aviation Administration published for comment, a proposal to establish a 700' transition area at Wagner, South Dakota and lower the 9,500' floored airspace to a 1,200' transition area at Mitchell, South Dakota (44 FR 1120). The only comment received expressed no objections.

**RULE**

This amendment to Part 71 of the Federal Aviation Regulations (FAR's) establishes a 700' transition area at Wagner, South Dakota and lowers the 9,500' floored airspace to a 1,200' transition area at Mitchell, South Dakota, to provide controlled airspace for aircraft executing the new NDB runway

26 standard instrument approach procedure developed for the Wagner Municipal Airport, Wagner, South Dakota.

**DRAFTING INFORMATION**

The principal authors of this document are Pruett B. Helm, Operations, Procedures and Airspace Branch, Air Traffic Division, and Daniel J. Peterson, Office of Regional Counsel.

**ADOPTION OF THE AMENDMENT**

Accordingly, pursuant to the authority delegated to me by the Administrator, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended effective April 19, 1979, as follows:

By amending Subpart G, §71.181 so as to establish and alter the following transition areas (44 FR 442) to read:

**WAGNER, SOUTH DAKOTA**

That airspace extending upward from 700' above the surface within a 5 mile radius of the Wagner Municipal Airport (latitude 43°03'33" N., longitude 98°17'31" W.) and within 3 miles each side of the 086° bearing from Wagner Municipal Airport extending from the 5 mile radius area to 8 miles east of the airport.

**MITCHELL, SOUTH DAKOTA**

\*\*\* and that airspace extending upward from 1,200' above the surface within 4.5 miles southwest and 9.5 miles northeast of the Mitchell VOR, latitude 43°46'37" N., longitude 98°02'14" W., 149° radial, extending from the VOR to 18.5 miles southeast of the VOR; and within 4.5 miles northeast and 9.5 miles southwest of the Mitchell VOR 300° radial, extending from the VOR to 18.5 miles northwest of the VOR; and that airspace southwest of Mitchell within the area bounded on the east by V-159, on the south by V-148 and Nebraska/South Dakota state line, on the west by a line from latitude 43°00'00" N., longitude 99°00'00" W., direct to latitude 44°00'00" N., longitude 99°43'00" W., and on the north by the Pierre, South Dakota 1,200' transition area and V-120.

(Sec. 307(a) Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69.)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Aurora, Colo. on February 6, 1979.

M. M. MARTIN,  
Director,  
Rocky Mountain Region.

[FR Doc. 79-5195 Filed 2-16-79; 8:45 am]

[3510-17-M]

**Title 15—Commerce and Foreign Trade**

**SUBTITLE A—OFFICE OF THE SECRETARY OF COMMERCE**

**PART 4—PUBLIC INFORMATION**

**Location and Units Participating in Central Public Reference Facility**

AGENCY: Department of Commerce.

ACTION: Final rule.

SUMMARY: The Department of Commerce amends its rules which apply to the location and units participating in the central public reference facility; and revises Appendices B and C, which are lists of Freedom of Information public facilities and officials authorized to make initial denials of requests for records, respectively. Because of organizational changes, the locations, telephone numbers and some of the participating units have changed; these amendments update the list of participating facilities to reflect those changes.

EFFECTIVE DATE: February 20, 1979.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Donald S. Budowsky, U.S. Department of Commerce, Office of Organization and Management Systems, Washington, D.C. 20230, telephone (202) 377-4217.

SUPPLEMENTARY INFORMATION: Section 4.4 describes the central public reference facility and the units which participate. Because of organizational changes, the location and telephone number have changed as well as some units participating. Appendices B and C are revised to reflect changed addresses and organization changes such as the position title of a Departmental official or the name of a Departmental component.

Because the amendments made to §4.4 and Appendices B and C involve only corrections of data and no substantive changes, the provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, opportunity for public participation, and delay in effective date are inapplicable and unnecessary. This regulation is not significant under Executive Order 12044. Accordingly, 15 CFR Part 4 is amended as follows:

1. Section 4.4 is amended by revising paragraphs (c), (d), and (e) to read as follows:

#### § 4.4 Availability of materials for inspection and copying; indexes.

(c) The central facility established by the Assistant Secretary for Administration is the Central Reference and Records Inspection Facility, Room 5319, Department of Commerce Building, 14th Street between Constitution Avenue and E Street, N.W., Washington, D.C. 20230. The facility is open to the public Monday through Friday of each week, except on official holidays of the Federal Government, between the hours of 9 a.m. and 4:30 p.m. There are no fees or formal requirements for inspection of materials. Coin-operated equipment for making copies of these materials is available nearby for use by the public. Copies of various Commerce Department materials regularly available for sale by the Department may be purchased at the facility or information about them obtained. Correspondence concerning materials available at the facility or information about the rules implementing the Act may be sent to the above address. The telephone number of the facility is Area Code 202, 377-4217.

(d) The following units of the Department are participating in the use of this central facility: All components of the Office of the Secretary of Commerce.

(e) Other units of the Department which have established separate public reference facilities, listed in Appendix B to this part, may publish rules applicable to the services provided therein, not inconsistent with this part, for public inspection and copying of materials.

2. Appendices B and C are revised to read as follows:

#### APPENDIX B—FREEDOM OF INFORMATION PUBLIC FACILITIES AND ADDRESSES FOR REQUESTS FOR RECORDS

The following public reference facilities have been established within the Department of Commerce (a) for the public inspection and copying of materials of particular units of the Department under 5 U.S.C. 552(a)(2) or determined to be available for response to requests made under 5 U.S.C. 552(a)(3); (b) for furnishing information and otherwise assisting the public concerning Departmental operations under the Freedom of Information Act; and (c) as addresses, in some instances, for the receipt and processing of requests for records under 5 U.S.C. 552(a)(3). Units having separate mailing addresses are noted below. Requests should be addressed to the unit which the requester knows or has reason to believe has possession or control or has primary concern with the records sought. Otherwise, requests should be addressed to the Central Reference and Records Inspection Facility.

Department of Commerce Freedom of Information Central Reference and Records Inspection Facility, Room 5319, Department

of Commerce Building, 14th Street between Constitution Avenue and E Street, NW., Washington, D.C. 20230. Phone (202) 377-4217. This facility serves the Office of the Secretary of Commerce and all other units of the Department not identified below as explained at Sec. 15 CFR 4.4(c) and (d).

Bureau of the Census, Freedom of Information Request Control Desk, Room 2428, Federal Building 3, Washington, D.C. 20233. Phone (301) 763-5410.

Bureau of Economic Analysis, Public Reference Facility, Room B7, Tower Building, 1401 K Street, NW., Washington, D.C. Phone (202) 523-0595. Mailing address: Bureau of Economic Analysis, Freedom of Information Request Control Desk, Room 705A, Tower Building, 1401 K Street, NW., Washington, D.C. 20230.

Economic Development Administration, Freedom of Information Records Inspection Facility, Room 7019, Department of Commerce Building, 14th Street between Constitution Avenue and E Street, NW., Washington, D.C. 20230. Phone (202) 377-5113.

Mailing addresses of regional EDA Offices: Atlantic Regional Office, EDA, U.S. Department of Commerce, Federal Building, Freedom of Information Request Control Desk, 600 Arch Street, Room 10424, Philadelphia, Pennsylvania 19106.

Southeastern Regional Office, EDA, U.S. Department of Commerce, Freedom of Information Request Control Desk, Suite 700, 1365 Peachtree Street, NE., Atlanta, Georgia 30309.

Rocky Mountain Regional Office, EDA, U.S. Department of Commerce, Freedom of Information Request Control Desk, Suite 505, Title Building, 909 17th Street, Denver, Colorado 80202.

Midwestern Regional Office, EDA, U.S. Department of Commerce, Freedom of Information Request Control Desk, 175 West Jackson Blvd., Suite A-1630, Chicago, Illinois 60604.

Western Regional Office, EDA, U.S. Department of Commerce, Freedom of Information Request Control Desk, 1700 Westlake North, Seattle, Washington 98109.

Southwestern Regional Office, EDA, U.S. Department of Commerce, Freedom of Information Request Control Desk, American Bank Tower, Suite 600, 211 West Sixth Street, Austin, Texas 78701.

Industry and Trade Administration, Freedom of Information Records Inspection Facility, Room 3012, Department of Commerce Building, 14th Street between Constitution Avenue and E Street, NW., Washington, D.C. 20230. Phone (202) 377-3031.

Maritime Administration, Freedom of Information Records Inspection Facility, Room 3895, Department of Commerce Building, 14th Street between Constitution Avenue and E Street, NW., Washington, D.C. 20230. Phone (202) 377-2746. Mailing address: Maritime Administration, Freedom of Information Request Control Desk, Secretary, Maritime Administration, Room 3099-B, U.S. Department of Commerce, Washington, D.C. 20230.

National Bureau of Standards, Freedom of Information Records Inspection Facility, Room E120, Administration Building, Gaithersburg, Maryland. Phone (301) 921-2425. Mailing address: National Bureau of Standards, Freedom of Information Request Control Desk, Room A1128, U.S. Department of Commerce, Washington, D.C. 20234. (Gaithersburg, Maryland).

National Oceanic and Atmospheric Administration, Public Reference Facility, Administrative Documentation Officer (AD 312), Room 324, Building 5, Washington Science Center, 6010 Executive Boulevard, Rockville, Maryland 20852. Phone (301) 443-8192.

National Technical Information Service, Freedom of Information Records Inspection Facility, Room 1016, 5285 Port Royal Road, Springfield, Virginia 22161. Phone (703) 557-4710.

National Telecommunications and Information Administration, Freedom of Information Request Control Desk, 1800 G Street, NW., Washington, D.C. 20504. Phone (202) 395-4737.

Office of Minority Business Enterprise, Freedom of Information Office, Room 5087, Department of Commerce Building, 14th Street between Constitution Avenue and E Street, NW., Washington, D.C. 20230. Phone (202) 377-5641.

Patent and Trademark Office, Freedom of Information Records Inspection Facility, Room 11C12, Building 3, Crystal Plaza, Arlington, Virginia. Phone (703) 557-3525. Mailing address: Patent and Trademark Office, Freedom of Information Request Control Desk, Box 50, Washington, D.C. 20231.

United States Fire Administration, Freedom of Information Request Control Desk, Room 302, 2400 M Street, NW., Washington, D.C. Mailing address: United States Fire Administration, Freedom of Information Request Control Desk, P.O. Box 19518, Washington, D.C. 20036.

United States Travel Service, Freedom of Information Request Control Desk, Room 1524, Department of Commerce Building, 14th Street between Constitution Avenue and E Street, NW., Washington, D.C. 20230. Phone (202) 377-3811.

#### APPENDIX C—OFFICIALS AUTHORIZED TO MAKE INITIAL DENIALS OF REQUESTS FOR RECORDS

The following officials of the Department have been delegated authority to initially deny requests for records of their respective units for which they are responsible. (The listings are subject to change because of organizational revisions or new delegations. Accordingly, the Director, Office of Organization and Management Systems is specifically authorized to amend or revise this Appendix from time to time in order to reflect such changes.)

##### Office of the Secretary:

- \*Deputy Under Secretary.
- \*Executive Assistant to the Secretary.
- \*Office of Public Affairs: Counsellor to the Secretary and Director of Public Affairs; Deputy Director of Public Affairs.
- \*Office of Regional Development: Special Assistant to the Secretary for Regional Development; Program Development Officer.
- \*Appeals to initial denials by the above officials are to be submitted to the Assistant Secretary for Administration.

##### Office of the Assistant Secretary for Administration:

- Deputy Assistant Secretary for Administration.
- Appeals Board Chairman.
- Director and Deputy Director, Office of Administrative Services.

Director, Office of Budget and Program Evaluation.  
 Director, Office of Civil Rights.

Office of the Controller:  
 Controller and Director, Finance Operations Division.  
 Director and Deputy Director, Office of Intelligence Liaison.  
 Director and Deputy Director, Office of Investigations and Security.

Office of Organization and Management Systems:  
 Director, Deputy Director, Chiefs, Emergency Planning and Coordination Division; Information Management Division; Management Analysis Division.

Office of Personnel:  
 Director; Deputy Director; Chief, Medical Division; Policy Officer, Policy Staff.

Office of Procurement and ADP Management:  
 Director; Chief, ADP Policy Division.  
 Director and Deputy Director, Office of Publications.

Office of the Assistant Secretary for Congressional Affairs: Deputy Assistant Secretary for Congressional Affairs.

Office of the Assistant Secretary for Policy:  
 Deputy Assistant Secretary for Domestic Economic Policy Coordination;  
 Deputy Assistant Secretary for Ocean, Resource, and Scientific Policy Coordination;  
 Deputy Assistant Secretary for International Policy Coordination;  
 Director, Office of Policy Planning and Programs.

Office of the Assistant Secretary for Science and Technology: Deputy Assistant Secretary for Science and Technology.

Office of the Chief Economist of the Department of Commerce: Deputy Chief Economist.

Office of the General Counsel: Deputy General Counsel and Assistant General Counsel for Administration.

Office of Inspector General: Assistant Inspector General for Auditing; Assistant Inspector General for Investigations.

Bureau of Census: Associate Director of Administration and Field Operations.

Bureau of Economic Analysis: Deputy Director.

Economic Development Administration: Director, Office of Public Affairs.

Industry and Trade Administration:  
 Director, Office of Management and Systems.  
 Director, Office of Administrative Support.  
 Director, Office of Budget.  
 Director, Office of Personnel.  
 Director, Office of Public Affairs.  
 Director, Office of International Commercial Representation.

Bureau of Field Operations: Deputy Assistant Secretary for Field Operations.

Bureau of Domestic Business Development:  
 Director, Office of Business Programs;  
 Director, Office of Producer Goods;  
 Director, Office of Consumer Goods and Service Industries;  
 Director, Office of Business Policy Analysis;  
 Director, Office of Textiles;  
 Director, Office of the Ombudsman;  
 Director, Office of Basic Industries.

Bureau of Export Development:

Director, Commerce Action Group for the Near East;  
 Director, Office of International Marketing;  
 Director, Office of Export Development;  
 Director, Office of Market Planning.

Bureau of East-West Trade:  
 Director, Office of East-West Trade Development;  
 Director, Office of East-West Country Affairs;  
 Director, Office of East-West Policy and Planning.

Bureau of International Economic Policy and Planning:  
 Director, Office of International Trade Policy;  
 Director, Office of International Finance and Investment;  
 Director, Office of International Economic Research;  
 Director, Office of Foreign Investment in the U.S.;  
 Director, Office of Country Affairs.

Bureau of Trade Regulation:  
 Director, Office of Export Administration;  
 Director, Office of Industrial Mobilization;  
 Director, Statutory Import Programs Staff;  
 Director, Foreign Trade Zones Staff;  
 Director, Anti-Boycott Compliance Staff.

Maritime Administration: Secretary, Maritime Administration.

National Bureau of Standards: Director of Administrative and Information Systems.

National Oceanic and Atmospheric Administration:  
 Associate Administrator.  
 Assistant Administrator for Administration.  
 Assistant Administrator for Coastal Zone Management:  
 Director, Office of State Programs;  
 Director, Office of Coastal Energy Impact Programs.

Assistant Administrator for Fisheries:  
 Director, Office of Utilization and Development;  
 Director, Office of Resource Conservation and Management;  
 Director, Office of International Fisheries Affairs;  
 Director, Office of Science and Environment;  
 Director, Office of Marine Mammals and Endangered Species;  
 Director, Office of Habitat Protection.

Assistant Administrator for Oceanic and Atmospheric Services:  
 Director, National Ocean Survey;  
 Director, National Weather Service;  
 Director, National Environmental Satellite Service.

Assistant Administrator for Policy and Planning:  
 Assistant Administrator for Research and Development:  
 Director, Office of Sea Grant;  
 Director, Office of Ocean Engineering;  
 Director, Environmental Research Laboratories.

National Technical Information Service: Chief, Administrative Services Division.

National Telecommunications and Information Administration:  
 Director, Office of Planning and Policy Coordination.  
 Chief Counsel.  
 Director, Office of International Affairs.  
 Director, Office of Administration.

Director, Office of Congressional and Public Affairs.  
 Associate Administrator for Telecommunications Applications.  
 Associate Administrator for Federal Systems and Spectrum Management:  
 Deputy Associate Administrator for Federal Systems and Spectrum Management;  
 Director, Government Communications;  
 Director, Spectrum Plans and Policies.  
 Associate Administrator for Institute for Telecommunication Sciences; Deputy Director, Institute for Telecommunication Sciences.  
 Associate Administrator for Policy Analysis and Development:  
 Deputy Associate Administrator for Policy Analysis and Development;  
 Director, Domestic Common Carrier Industry and Market Structure Program;  
 Director, Broadcasting, Cable & Mobile Radio Policy Program;  
 Director, Economic Assessment of Spectrum Scarcity Program;  
 Director, International Policy Program;  
 Director, Information Policy Program.

Office of Minority Business Enterprise: Chief Counsel and Deputy Chief Counsel.

Patent and Trademark Office: Solicitor of Patents, or in his absence the Deputy Solicitor.

United States Fire Administration: Chief Counsel.

United States Travel Service: Directors, Office of Administration; Office of Policy and Research; Office of Market Development; Office of International Operations; Office of Governmental Affairs; and Exposition Staff.

Dated: February 9, 1979.

GUY W. CHAMBERLIN, Jr.,  
 Deputy Assistant Secretary  
 for Administration.

[FR Doc. 79-5242 Filed 2-16-79; 8:45 am]

[6750-01-M]

## Title 16—Commercial Practice

### CHAPTER I—FEDERAL TRADE COMMISSION

#### SUBCHAPTER A—ORGANIZATION, PROCEDURES, AND RULES OF PRACTICE

#### PART 2—NONADJUDICATIVE PROCEDURES

#### Investigational Resolutions; Closing of Investigations

AGENCY: Federal Trade Commission.

ACTION: Final rule.

SUMMARY: These rules amend the Commission's rules to eliminate the requirement that notice of closing investigations by designated staff be circulated to the Commission before becoming effective. Additionally, they are revised to reflect the Commission's limited delegation of authority to Regional Directors and the Director of Federal-State Consumer Relations to

close investigations. They also reflect the Commission's policy that compulsory process be used only after an investigational resolution authorizing such process has been issued and its delegation of authority to Bureau Directors to issue investigational resolution in certain instances.

**EFFECTIVE DATE:** February 20, 1979.

**FOR FURTHER INFORMATION CONTACT:**

Thomas A. Sheehan, III, Office of General Counsel, Federal Trade Commission, Washington, D.C. 20580, 202-523-3865.

**SUPPLEMENTARY INFORMATION:** Rule 2.14(c) is being amended to eliminate the requirement that notice of investigations closed by a Bureau Director, Deputy Director, or Assistant Director, pursuant to the Commission's delegation of authority, be circulated to the Commission before becoming effective. Under the amended rule the closing would become effective immediately; the Commissioners previously had five days to determine whether the matter warranted consideration by the Commission.

Rule 2.14(c) also is being amended to reflect the Commission's limited delegation of authority to Regional Directors to close certain competition and consumer protection investigations, and to the Director of Federal-State Consumer Relations to close certain consumer protection investigations. The Commission set forth this limited delegation when its current operating manual was approved in 1978.

Rule 2.4 is being amended, by adding subsection (b) to reflect the Commission's practice of requiring the issuance of an investigational resolution prior to the use of compulsory process. Such investigational resolutions are issued by the Commission or, pursuant to the Commission's delegation of authority, by Bureau Directors as set forth in new subsection (c). As the new § 2.4(c) indicates, the Commission has delegated, without power of redelegation, the authority to issue investigational resolutions (1) to the Director of the Bureau of Consumer Protection in advertising substantiation cases and (2) to the Directors of the Bureaus of Competition and Consumer Protection in compliance investigations (see Rule 3.61(b)). These delegations of authority will eliminate the necessity of requesting individual investigational resolutions from the Commission before subpoenas may be issued.

Accordingly, and pursuant to 15 U.S.C. 46(g), the Commission hereby amends its rules of practice §§ 2.4 and 2.14(c), 16 CFR 2.4 and 2.14(c), as set forth below.

1. By revising § 2.4 to read as follows:

**§ 2.4 Investigational policy.**

(a) The Commission encourages voluntary cooperation in its investigations. Where the public interest requires, however, the Commission may, in any matter under investigation, invoke any or all of the compulsory processes authorized by law.

(b) Compulsory process may be used only when an investigational resolution authorizing such process has been issued by the Commission or, pursuant to § 2.4(c), by the appropriate Bureau Director.

(c) The Commission has delegated, without power of redelegation, the authority to issue investigational resolutions authorizing the use of compulsory process:

(1) To the Directors of the Bureaus of Competition and Consumer Protection in compliance investigations;

(2) To the Director of the Bureau of Consumer Protection in advertising substantiation cases.

2. By amending § 2.14(c) to read as follows:

**§ 2.14 Disposition:**

(c) The Commission has delegated to the Directors, Deputy Directors, and Assistant Directors of the Bureaus of Competition and Consumer Protection, Regional Directors, and the Director of Federal-State Consumer Relations, without power of redelegation, limited authority to close investigations.

By direction of the Commission dated February 12, 1979.

CAROL M. THOMAS,  
Secretary.

[FR Doc. 79-5280 Filed 2-16-79; 8:45 am]

[6750-01-M]

**PART 3—RULES OF PRACTICE FOR ADJUDICATIVE PROCEEDINGS**

**Motions**

**AGENCY:** Federal Trade Commission.

**ACTION:** Final rule.

**SUMMARY:** The Federal Trade Commission amends its rules of practice for adjudicative proceedings. Present regulations provide that during the time a proceeding is before an administrative law judge, he must certify to the Commission with his recommendation any motion presented to him upon which he has no authority to rule. The amendment provides that a recommendation be filed only where

he deems it appropriate or where the Commission orders such a filing.

**EFFECTIVE DATE:** February 20, 1979.

**FOR FURTHER INFORMATION CONTACT:**

Oliver J. Trytell, Office of General Counsel, Federal Trade Commission, Washington, D.C. 20580, (202) 523-3442.

Accordingly, 16 CFR 3.22(a) is amended to read as follows:

**§ 3.22 Motions**

(a) Presentation and disposition.—During the time a proceeding is before an Administrative Law Judge, all motions therein, except those filed under § 3.42(g), shall be addressed to the Administrative Law Judge, and if within his authority shall be ruled upon by him. Any motion upon which the Administrative Law Judge has no authority to rule shall be certified by him to the Commission, with his recommendation where he deems it appropriate. Such recommendation may contain a proposed disposition of the motion or other relevant comments or observations. Where the Commission believes that a recommendation or an amplification thereupon would assist it in its deliberations, it may order the Administrative Law Judge to file a recommendation. All written motions shall be filed with the Secretary of the Commission and all motions addressed to the Commission shall be in writing.

(Authority: 15 U.S.C. § 46(g).)

By direction of the Commission, dated January 9, 1979.

CAROL M. THOMAS,  
Secretary.

[FR Doc. 79-5355 Filed 2-16-79; 8:45 am]

[6450-01-M]

**Title 18—Conservation of Power and Water Resources**

**CHAPTER I—FEDERAL ENERGY REGULATORY COMMISSION, DEPARTMENT OF ENERGY**

**SUBCHAPTER J—REGULATIONS UNDER THE POWERPLANT AND INDUSTRIAL FUEL USE ACT OF 1978**



[Docket No. RM79-10]

**PART 285—RULES GENERALLY APPLICABLE TO POWERPLANT AND INDUSTRIAL FUEL USE**

FEBRUARY 9, 1979.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Interim rule.

**SUMMARY:** Section 103(a)(18)(D) of the Powerplant and Industrial Fuel Use Act of 1978 (Act) requires the Commission to promulgate rules under which a powerplant's design capacity may be determined. The definitions of design capacity will be used to determine the applicability of certain temporary and permanent exemptions under the Act. These regulations establish the interim rules under which a powerplant's design capacity may be determined.

**DATES:** Effective February 9, 1979; comments on or before March 19, 1979.

**ADDRESS:** Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. (Reference Docket No. RM79-10.)

**FOR FURTHER INFORMATION CONTACT:**

Charles F. Reusch, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, 202-275-4216 or

B. E. Biggerstaff, Office of Electric Power Regulation, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, 202-275-4721.

**SUPPLEMENTARY INFORMATION:**

**INTERIM RULE**

On December 29, 1978, the Commission issued a Notice of Proposed Rulemaking with a comment period ending January 30, 1979. Pursuant thereto, notice is hereby given that Chapter I of Title 18, Code of Federal Regulations (CFR), is amended by adding a new Subchapter J, entitled Regulations Under the Powerplant and Industrial Fuel Use Act of 1978. A new § 285.101, under Subchapter J establishes methods for determining powerplant design capacity. This regulation is promulgated as an interim rule. Additional comments are invited and will be accepted through March 19, 1979.

**BACKGROUND**

Section 103(a)(18)(D) of the Powerplant and Industrial Fuel Use Act of 1978 (Act), Pub. L. 95-620, requires the

Federal Energy Regulatory Commission (Commission) to promulgate, by February 9, 1979, rules under which a powerplant's design capacity may be determined. The determination of a powerplant's design capacity is necessary because it is an element of each of the statutory definitions of the terms "peak load powerplant," "intermediate load powerplant," and "base load powerplant" as provided in section 103(a)(18) of the Act. The definitions of those terms will be used to determine the applicability of certain temporary and permanent exemptions from sections 201 and 202 of the Act. Sections 201 and 202 proscribe the use of natural gas or petroleum as a primary energy source in new electric powerplants. The aforementioned exemptions are found in sections 212(g) and 212(h) of the Act. The definitions are also to be used to determine the applicability of certain temporary and permanent exemptions from sections 301 and 302 of the Act, relating to existing electric powerplants, pursuant to sections 311(f), 312(f), and 312(g) of the Act. Finally, determinations regarding design capacity are necessary under section 501 of the Act, entitled Electric Utility System Compliance Option, in order to determine if existing electric utilities are in compliance with Title III of the Act.

**SUMMARY OF COMMENTS SUBMITTED TO DATE**

Substantive comments were received from 13 parties concerning the proposed rulemaking. In summary, they expressed the following views:

1. Three parties proposed the use of demonstrated actual capability rather than maximum generator nameplate rating in defining design capacity.

2. Four parties agreed with the use of the nameplate rating system but suggested that the definitions be made more flexible to provide for (a) unit modifications, or (b) instances where the nameplate rating is so different from actual operating capabilities as to be totally inaccurate.

3. One comment noted the difference between nameplate rating and actual operating capability but made no recommendation as to which value to use.

4. One comment proposed that the nameplate rating should be based on unity power factor.

5. One comment agreed with the use of a nameplate rating but suggested that the rating for a combustion turbine used as part of a combined cycle unit should be based on the combustion turbine's baseload, rather than peak load, using American National Standards Institute (ANSI) and International Standards Organization (ISO) standard condition ratings.

6. One comment noted that the regulation should specify the units in which the nameplate rating shall be stated.

7. Another suggested that the reference to "combustion turbine" does not follow the Act's use of "gas turbine", and in so doing does not follow the intent of the law.

8. Finally, two comments protested the short period between notice in the FEDERAL REGISTER and the due date for comments. The Commission responds to the final point as discussed below in *Public Comment Procedures*.

The Act, at section 103(a)(18)(D), without further explanation or clarification, requires this Commission to "prescribe the rules under which a powerplant's design capacity may be determined." A manufacturer's initial design of a unit is planned so as to attain a specific capability under specified standardized operating conditions. The manufacturers design each unit to achieve a capacity indicated as a nameplate rating. During its useful life a unit may be, for any of a number of reasons, redesigned, and accordingly, modified so as to achieve a capacity level other than that which was initially designed. Operating capability is a utility's determination of the output from a generating unit which it considers can be achieved with high probability under the existing conditions.

In developing the proposed regulations the Commission recognized the existence of a number of powerplant capacity ratings used by the electric power industry, most of which are used for operational purposes. While operational figures may be indicative of a powerplant's ability to produce electric power, using such fluctuating ratings for the purposes of monitoring fuel use compliance under the Act creates an unnecessarily heavy administrative burden. The burden arises because a powerplant's operating capability constantly changes in that it is a function of ambient weather conditions, systems operating conditions, unit degradation and other factors. None of these factors is relevant in determining whether a powerplant qualifies as a peakload, intermediate or baseload powerplant. Adopting operating capability as the basis for design capacity rating would result in a powerplant's design capacity rating changing from year-to-year, or season-to-season. Such a rating would be difficult to monitor for purposes of the Act. Weighing that administrative burden against the fact that the differential between operating capability and a manufacturer's nameplate rating is relatively insignificant, nameplate rating has been adopted in the interim rule as a standard for determining the powerplant's design capacity.

Some of the comments suggested that a mechanism be adopted whereby a powerplant's design capacity rating (initial or modified) could be changed when the powerplant is physically and substantially modified or when a unit is operating subject to some permanent governmental restraint which affects its design capacity.<sup>1</sup> Since additional comments are requested on this interim rule, the Commission specifically invites further comments on this issue. The Commission also welcomes discussion on the following questions:

(1) Should a powerplant's design capacity be modified each time the powerplant is physically and substantially modified? Should it also be modified whenever permanent governmental restraints are imposed on the powerplant which, in effect, alter the design capacity? If so, what sort of modification or restraints would result in a change in design capacity and how should such changes be noticed?<sup>2</sup>

(2) Should the modified design capacity be determined by actual demonstrated tests reflecting the continuous capacity of the powerplant during the utility's peakload season?

(3) Where and when should notification of such changes be filed? Should notification be filed with the Energy Information Administration (EIA), the Economic Regulatory Administration, or with the Commission? Should such notification be filed before or at the time of modification or imposition of the restraint, whenever possible; thirty days afterwards; or at the same time as other forms presently filed with Department of Energy, are filed, specifically those forms presently designated as FPC Form 1, FPC Form 4, and FPC Form 12?

(4) Should the notification certify the following information:

- (a) The original nameplate rating;
- (b) The nature of the modification or restraint; and
- (c) The modified design capacity as it is determined pursuant to the actual demonstrated tests?

What other information should be submitted?

(5) Should the modified design capacity be effective immediately upon filing an affidavit or upon approval by the reviewing administration or commission? Should the owner or operator be allowed to appeal a determination of the reviewing administration or commission?

Information received in response to these questions will aid the Commission

in determining whether a mechanism for modification should be adopted. If the Commission determines that such a mechanism should be adopted the information provided should further aid the Commission in formulating that part of the final rule.

The Commission does not adopt the suggestion that design capacity should be based on nameplate figures at unity power factor. Neither power systems nor individual generating units normally operate at unity power factor, thus the suggestion is unrealistic and therefore is rejected.

The suggestion that the combustion turbine portion of combined cycle units be rated on baseload ANSI/ISO standard conditioning rating is adopted in this rule, since combined cycle units will generally be operated as intermediate load powerplants rather than peakload powerplants. We accept this proposal and have so revised the rule.

The Commission agrees that the regulation should specify the units in which the nameplate rating shall be stated and has provided that capacity ratings shall be measured in kilowatts. We do not agree that use of the term "combustion turbine" rather than "gas turbine" will result in deviation from the intent of the Act since the terms are generally interchangeable within the electric power industry.

#### SUMMARY OF THE RULE

The interim rule is summarized below:

(1) The design capacity of a steam-electric generating unit shall initially be its maximum-generator nameplate rating, measured in kilowatts, which has been reported to the Energy Information Administration on EIA Form—(formerly FPC Form 12).

(a) The design capacity of a combustion turbine shall be its peak load rating, measured in kilowatts, as defined by both the American National Standards Institute and by the International Standards Organization. ANSI/ISO peak load rating is based on units operating for peaking service at a maximum of 2,000 hours per year at an ambient temperature of 59 degrees Fahrenheit (15 degrees Celsius) and a pressure of 14.696 psia (sea level). This should be the capacity rating reported to the Energy Information Administration on EIA Form—(formerly FPC Form 12). While ANSI/ISO peak load rating may be based on units operating at 2,000 hours per year or less, a powerplant may not qualify as a peak-load powerplant except as defined in section 103(a)(18)(A) of the Act. If those reported ratings are based on different conditions, they will be adjusted to ISO Standard conditions for the purposes of the Act.

(3) The design capacity, measured in kilowatts, of a combined cycle unit shall be the sum of its combustion turbine base load rating, based on ANSI/ISO standard conditions, and the maximum generator nameplate rating of the steam turbine portion of the unit, as reported in EIA Form—(formerly FPC Form 12).

(4) The design capacity of an internal combustion engine shall be the capacity rating in kilowatts which has been reported to the Energy Information Administration on EIA Form—(formerly FPC Form 12).

#### PUBLIC COMMENT PROCEDURES

The proposed rule issued December 29, 1978, was not published in the FEDERAL REGISTER until January 22, 1979 (44 FR 4500). Parties dependent on the FEDERAL REGISTER for notification inadvertently were allowed only eight days for submission of comments on the proposed rule. Since the Act requires the Commission to promulgate a rule under which a powerplant's design capacity may be determined by February 9, 1979, the Commission will issue this rule as an interim rule effective immediately.

The Commission recognizes that the eight day FEDERAL REGISTER notice did not provide adequate notice for public participation. Therefore, this rule is issued as an interim regulation and comments will be accepted through close of business on March 19, 1979. If the additional comments received convinced the Commission that amendments to this rule are appropriate they will be issued in the final rule. If no amendments are adopted this rule will become effective as a final rule and such notice will be published in the FEDERAL REGISTER. Comments received regarding the proposed rule-making will be retained and considered during consideration of the interim rule.

Interested persons may submit comments concerning this interim rule by submitting written data, views or arguments to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before March 19, 1979. Each person submitting a comment should include his name and address, identify the notice (Docket No. RM79-10), and give reasons for any recommendations. An original and 14 conformed copies should be filed with the Secretary of the Commission. Comments should indicate the name, title, mailing address, and telephone number of one person to whom communications concerning the proposal may be addressed. Written comments will be placed in the Commission's public files and will be available for public inspection at the Com-

<sup>1</sup> The preamble to the Notice of Proposed Rulemaking issued December 29, 1978, noted that a powerplant's design capacity may change when a powerplant is physically modified but failed to incorporate a provision for changing the nameplate rating.

<sup>2</sup> As contemplated by the Commission, modifications of design capacity would result from the following situations, for example:

(1) Installation of certain larger auxiliary equipment that increase the capacity of the powerplant; and (2) imposition by the federal or local government of regulations to eliminate excessive emissions of air or water pollutants which preclude a powerplant from operating at full capacity.



mission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426, during regular business hours.

Comments which have been received thus far even if they were received after the January 30 deadline will be retained and reviewed with any comments received pursuant to this notice.

(Department of Energy Organization Act, Pub. L. 95-91; E.O. 12009, 42 F.R. 46267; Powerplant and Industrial Fuel Use Act of 1978, Pub. L. 95-620.)

In consideration of the foregoing, the Commission amends Chapter I of Title 18, Code of Federal Regulations, as set forth below.

By the Commission.

KENNETH F. PLUMB,  
Secretary.

Chapter I of Title 18 is amended by adding a new Subchapter J to read as follows:

**SUBCHAPTER J—REGULATIONS UNDER THE  
POWERPLANT AND INDUSTRIAL FUEL USE  
ACT OF 1978**

**PART 285—RULES GENERALLY APPLI-  
CABLE TO POWERPLANT AND IN-  
DUSTRIAL FUEL USE**

§ 285.101 Determination of powerplant design capacity.

For purposes of this subchapter, a powerplant's design capacity shall be determined as follows:

(a) *Steam-electric generating unit.* The design capacity of a steam-electric generating unit shall be the maximum generator nameplate rating, measured in kilowatts, which has been reported to the Energy Information Administration on EIA Form (formerly FPC Form 12).

(b) *Combustion turbine.* The design capacity of a combustion turbine shall be its peak load rating, measured in kilowatts, as defined by both the American National Standards Institute and by the International Standards Organization. This peak load rating is based on units operating for peaking service with a maximum of 2,000 hours per year operation, with an ambient temperature of 59 degrees Fahrenheit (15 degrees Celsius) and a pressure of 14.696 psia (sea level). If capacity ratings as reported to Energy Information Administration on EIA Form (formerly FPC Form 12) are based on different conditions, such reported ratings will be adjusted to ISO standard conditions.

(c) *Combined cycle unit.* The design capacity, measured in kilowatts, of a combined cycle unit shall be the sum of its combustion turbine base load rating, based on American National Standards Institute and International Standards Organization standard con-

ditions, and the maximum generator nameplate rating of the steam turbine portion of the unit. These capacity ratings should be those reported to the Energy Information Administration on EIA Form (formerly FPC Form 12).

(d) *Internal combustion engine.* The design capacity of an internal combustion engine shall be the capacity rating, measured in kilowatts, which has been reported to the Energy Information Administration of EIA Form (formerly FPC Form 12).

[FR Doc. 79-5191 Filed 2-16-79; 8:45 am]

[4110-07-M]

**Title 20—Employees' Benefits**

**CHAPTER III—SOCIAL SECURITY AD-  
MINISTRATION, DEPARTMENT OF  
HEALTH, EDUCATION, AND WEL-  
FARE**

[Reg. No. 22]

**PART 422—ORGANIZATION AND  
PROCEDURES**

**Subpart B—General Procedures**

**SOCIAL SECURITY NUMBER ISSUANCE**

AGENCY: Social Security Administration, HEW.

ACTION: Final rule.

SUMMARY: These regulations contain the new rules the Social Security Administration (SSA) will use to issue social security numbers (SSN's). Interim regulations containing these rules were published on May 16, 1978 and public comments were received. The purpose of the new rules is to protect the integrity of the SSN by reducing its misuse. The rules generally provide that additional documents must now be submitted by applicants for original SSN's and for duplicate or corrected SSN cards. These changes apply to all applicants for SSN's.

DATES: These amendments will be effective February 20, 1979.

**FOR FURTHER INFORMATION  
CONTACT**

Phil Berge, Legal Assistant, Office of Policy and Regulations, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235, telephone (301) 594-7452.

SUPPLEMENTARY INFORMATION: On May 16, 1978, interim regulations were published in the FEDERAL REGISTER (43 FR 20976). The public was given 60 days to express its views. These final regulations describe SSA's rules for issuing SSN's to all applicants. The new rules are designed to tighten SSA's procedures for issuing

SSN's and thus prevent misuse of the SSN.

From the beginning of the social security program we have generally issued social security numbers on the basis of the individual's statements about his or her identity without requiring evidence to prove these statements. This met the need for a simple and quick issuance procedure. We had no reason to change this system until recently.

Although the SSN was originally intended for the social security program only, Executive Order 9397, issued November 22, 1943, required that all Federal components use the SSN if they needed any system for identifying individuals.

Since then the use of the SSN as a way of identifying persons has grown and the SSN has become subject to greater misuse. An SSA study in 1971 recommended tightening up the procedures for issuing SSN's. In November 1971, SSA began to require simple evidence of identity of all first time SSN applicants age 55 or over. In 1972 Congress passed a law (Pub. L. 92-603) requiring the Social Security Administration to get from each applicant the evidence necessary to prove age, citizenship or alien status, and true identity, and to determine which (if any) social security number had previously been assigned to the applicant. SSA had required this type of evidence only from applicants for new numbers who were age 18 or older, foreign born, or welfare recipients.

To carry out his responsibility to ensure the integrity of the SSN identification system, the Secretary of Health, Education, and Welfare (the Secretary) has approved additional procedures to improve the way SSN's are issued. These procedures were published in the interim regulations in May, 1978.

Those regulations provide that—

a. Each applicant for an original SSN must submit documentary evidence to prove his or her identity, age, and citizenship or alien status;

b. Each applicant for a duplicate or corrected SSN card must submit enough evidence to prove his or her identity and make certain his or her SSN record is accurate;

c. Each applicant for an original SSN who is age 18 or older must be interviewed in person;

d. A birth certificate alone is not enough to prove identity unless the applicant is a child under 7, there is no other evidence of identity, and there is no reason to doubt the validity of the birth certificate or the SSN application; and

e. SSA may check with the custodian of the original record, any document given it as evidence by an SSN applicant.

We received comments on the interim regulations from three individuals and from two representatives of organizations. The comments and suggestions were received, and our responses, are summarized as follows:

1. One person commented that our requirement that persons applying for SSN's give us certain evidence may violate the Constitution, and may be in conflict with the Privacy Act, the Freedom of Information Act, and the Sunshine Act. The person argued that our requirements restrict the liberty of Americans to move around, change jobs, and change identities, if they are threatened by unlawful elements, or a possible change to a totalitarian government.

We do not agree with this comment. The proposed rules are necessary because the social security law requires that each applicant for an SSN furnish evidence necessary to establish his or her age, citizenship or alien status, and true identity.

2. A second comment supported the goal of tightening SSN issuance procedures but suggested that §§ 422.104 (Assignment of social security numbers), and 422.107 (Evidence requirements) allow lawful permanent alien status to be presumed for aliens who have resided in the U.S. since January 1970.

The Social Security Act provides for payment of supplemental security income (SSI) benefits to otherwise qualified aged, blind or disabled individuals who are permanently residing in the United States under color of law. Existing regulations require applicants for SSI benefits to have an SSN. The commenter believes that without the suggested change a percentage of aged, undocumented aliens would be unable to obtain an SSN. The Social Security law requires each alien to prove his or her status. For that reason, we did not adopt this suggestion. To obtain an SSN, any individual in the United States under "color of law" would be required to furnish evidence to establish residence and "color of law" status.

3. A third comment emphasized the inconvenience of having to submit the additional evidence required by the regulations and noted that there was no "rule" that a copy of a document (rather than the actual document itself) be submitted. Also, the commenter claimed that the proposed regulations violate the goal of reducing unnecessary red tape and undue regulation.

The Social Security Act provides that the Secretary shall, through regulations require that applicants for SSN's supply evidence necessary to establish their age, identity, and citizenship or alien status. SSA allows an applicant to use certified copies of some

documents, instead of the documents themselves, as proof if the copies are considered by SSA (based on factors like the type or source) to be acceptable. However, copies of documents whose authenticity may be less certain may not be accepted under a law that requires the Secretary to do everything practicable to assure the accuracy and integrity of the SSN. For these reasons, we did not adopt the change.

4. A fourth comment completely supported the proposed change in the regulations.

5. A fifth comment criticized the rules about which aliens are presumed to have permission to work (§ 422.105). The comment also criticized the requirement that all applicants age 18 or over who ask for a new SSN must be interviewed in person (§ 422.107(a)). The regulations simplify the rules about which aliens are presumed to have authority to work. Also, it will be easier to accommodate changes made by the Immigration and Naturalization Service. We agree, however with the suggestions for dropping references to visas and visa symbols in § 422.105. We have substituted for these references "Form I-94", which shows the nonimmigrant classification. Form I-94 is more accurate and less confusing than the "visa symbols."

We did not adopt the second part of the comment. The in-person interview, we believe is essential for all individuals 18 and over, no matter who they are or what group they belong to. Foreign students may go to any Social Security field office or other office in the United States or they may go to a U.S. foreign service post in their homeland for the in-person interview.

Accordingly, the regulations as set forth below are adopted.

(Secs. 205 and 1102 of the Social Security Act, 53 Stat. 1368, as amended, and 49 Stat. 647, as amended; (42 U.S.C. 405, 1302).)

(Catalog of Federal Domestic Assistance Program Nos. 13.800-13.807, Social Security.)

Dated: January 22, 1979.

STANFORD G. ROSS,  
Commissioner of Social Security.

Approved: February 10, 1979.

JOSEPH A. CALIFANO, Jr.,  
Secretary of Health,  
Education, and Welfare.

In Chapter III of the Title 20 CFR, Subpart B of Part 422 is amended as follows:

1. Section 422.103 is revised to read as follows:

§ 422.103 Social security numbers.

(a) *General.* The Social Security Administration maintains a record of the earnings reported for each individual assigned a social security number. The individual's name together with the

social security number identifies the record so that the wages of self-employment income reported for or by the individual can be properly posted to the individual's record. Additional procedures concerning social security numbers may be found in Internal Revenue Service, Department of the Treasury regulation 26 CFR 31.6011(b)-2.

(b) *Applying for a number.* Every individual needing a social security number may apply for one by filing a signed form SS-5, "Application for Social Security Number," at any local social security office, or, if the individual is in the Philippines, at the Veterans' Administration regional office, Manila, Philippines. (See § 422.106 for special procedures for immigrants and certain nonimmigrants.) Form SS-5 may be obtained at:

- (1) Any local social security office;
- (2) The Social Security Administration, Baltimore, Md. 21235;
- (3) Offices of District Directors of Internal Revenue;
- (4) U.S. Postal Service offices (except the main office in cities having a social security office);
- (5) U.S. Employment Service offices in cities which do not have a social security office; and
- (6) The Veterans' Administration regional office, Manila, Philippines. Upon request, the social security office will distribute a quantity of application form SS-5 to labor unions, employers, or other representative organizations.

(c) *How numbers are assigned.* Social security numbers are assigned by SSA's central office in Baltimore, Md. Upon receipt of a completed form SS-5, the local social security office, or the Veterans' Administration regional office, Manila, Philippines, will require the applicant to furnish evidence, as necessary, to assist SSA in establishing age, citizenship, or alien status, true identity, and previously assigned social security number(s), if any. A personal interview may be required of the applicant. (See § 422.107 for evidence requirements.) Upon satisfactory establishment of the pertinent items, the social security office or Veterans' Administration regional office forwards the application to the SSA's central office for checking against the SSA's files. If the applicant requests a social security number card immediately, a temporary card (form SSA-5028, Receipt for Application for a Social Security Number) will be issued. If the investigation does not disclose a previously assigned number, the central office assigns a number and forwards to the applicant form OA-702, "Social Security Number Card." If the investigation discloses a previously assigned number, a duplicate social security number card is issued to the applicant.

For issuance of social security numbers to aliens and other groups or categories, see § 422.104.

(d) *Replacement of lost or damaged social security number card.* In case of loss of or damage to the social security number card, a duplicate card bearing the same number will be issued. (See § 422.107 for evidence requirements.)

2. Section 422.104 is revised to read as follows:

§ 422.104 To whom social security numbers are assigned.

Social security numbers may be assigned to the following applicants who meet the evidence requirements in § 422.107:

- (a) U.S. citizens;
- (b) Aliens lawfully admitted to the United States for permanent residence or under other authority of law permitting them to work in the United States (see § 422.105 regarding presumption of authority of nonimmigrant alien to work); and
- (c) Aliens who are legally in the United States but not under authority of law permitting them to engage in employment, but only for a nonwork purpose (see § 422.107(e)(1) and (2)).

§ 422.104a [Redesignated as § 422.105]

3. Section 422.104a is redesignated as § 422.105 and is revised to read as follows:

§ 422.105a Presumption of authority of nonimmigrant alien to accept employment

The nonimmigrant form I-94 classifications assigned by the Immigration and Naturalization Service shall be used to determine whether a nonimmigrant alien is permitted to work. (See 22 CFR 41.12 for these classifications.) Permission to work shall not be presumed in the case of an alien who has not been issued a form I-94 or whose form I-94 shows any classification symbol designated and provided by the Immigration and Naturalization Service which does not reflect that the alien may work.

4. Section 422.105 is redesignated as § 422.106 and is revised to read as follows:

§ 422.106 Obtaining applications from immigrants and certain nonimmigrant classes.

All newly admitted immigrants and all aliens already in the United States whose status is changed to permanent resident shall apply for SSN's through local SSA offices, with the following exception. The Immigration and Naturalization Service will obtain applications for social security numbers from aliens who have never had a social security number, who entered this country in a temporary admission category and who, after entry became lawful

permanent residents of the United States. In these cases the Immigration and Naturalization Service obtains from each alien an application for a social security number and, after verifying the alien's age and identity, forwards the application to SSA's central office for issuance of a social security number.

5. Section 422.107 is revised to read as follows:

§ 422.107 Evidence requirements.

(a) *General.* Applicants for social security numbers must submit evidence which the Secretary regards as convincing of their age, citizenship or alien status, and true identity. Applicants for duplicate or corrected social security cards must submit evidence of identity and may also be required to submit evidence of age and citizenship or alien status. An applicant is also required to submit evidence to assist the SSA in determining the existence and identity of any previously assigned number(s). An applicant who is not a citizen must also give evidence of whether he or she is permitted to work in the United States. A social security number will not be assigned, or a duplicate or corrected card issued, unless all of the evidence requirements are met. An in-person interview will be required of all applicants age 18 or older who apply for an original social security number. All documents submitted as evidence are subject to verification with the custodians of the original records.

(b) *Evidence of age.* All applicants for a social security number are required to submit evidence of age to prove their date of birth. Applicants for a duplicate or corrected social security card may also be required to submit evidence of age to prove their date of birth. Examples of the types of evidence which may be submitted are birth or baptismal certificates, school and church records, census records, insurance policies, marriage records, employment records, and passports.

(c) *Evidence of identity.* All applicants for a social security number or a duplicate or corrected social security card are required to submit corroborative evidence of their identity. Corroborative evidence of identity may consist of a driver's license, a voter registration card, a passport, or other similar document serving to identify the individual. It is preferable that the document contain the applicant's signature for comparison with his or her signature on the application for a social security number. A birth certificate alone is not sufficient evidence to establish identity except where the applicant is a child under 7 years of age, there is no other evidence of identity and there is no reason to doubt the

birth certificate or the social security number application.

(d) *Evidence of U.S. citizenship.* Generally, an applicant may prove that he or she is a U.S. citizen by birth by providing evidence of age and identity described in paragraphs (b) and (c) of this section. The applicant must provide additional evidence when the evidence of age or identity does not show place of birth or does not agree with the applicant's allegation of birth in the United States. Where a foreign-born applicant claims U.S. citizenship, the applicant is required to present documentary evidence of U.S. citizenship. Any of the following is acceptable evidence of U.S. citizenship:

- (1) Certificate of naturalization;
- (2) Certificate of citizenship;
- (3) U.S. passport;
- (4) U.S. citizen identification card (INS form I-179 or I-197);
- (5) Consular report of birth (State Department form FS-240); or
- (6) Other verification from the Immigration and Naturalization Service, U.S. Department of State, or Federal or State court records confirming citizenship. If required evidence is not available, a social security number will not be assigned until satisfactory evidence of U.S. citizenship is furnished.

(e) *Evidence of alien status.*—(1) *Citizen of country other than Canada or Mexico.* Where the applicant is a citizen of a foreign country other than Canada or Mexico, the applicant is required to have an Alien Registration Receipt Card (I-151 or I-551) or an Arrival-Departure Record (I-94) and will be asked to produce such document. If the applicant fails to do so, a social security number will not be issued. If the applicant produces an Alien Registration Receipt Card, or produces an Arrival-Departure Record which contains an authorization to work, a social security number card will be issued. However, if the Arrival-Departure Record does not contain authorization to work and the applicant wants a social security number for a work purpose, it will not be issued. If the applicant requests the number for a nonwork purpose, e.g., an Internal Revenue Service purpose, the number will be issued and the record will be marked to show that a number has been issued. In that case, if earnings are later reported to SSA, the Immigration and Naturalization Service will be notified of the report.

(2) *Mexican or Canadian citizen.* If a Canadian or Mexican citizen has an Alien Registration Receipt Card or an Arrival-Departure Record, the rules in paragraph (e)(1) of this section apply. If a Canadian or Mexican citizen is legally in the United States with a border crossing card, or a border visitor's permit (for, in the case of a Canadian citizen, without documentation),

but does not have an Alien Registration Receipt Card or an Arrival-Departure Record, and wants a social security number for a nonwork purpose, e.g., an Internal Revenue Service purpose, the number will be issued and the record will be marked to show this. The Immigration and Naturalization Service will be notified if earnings are reported to SSA.

(3) *Failure to submit evidence.* If the applicant does not comply with a request for evidence or other information regarding alien status within a reasonable time, SSA will attempt another contact. If there is still no response, a social security number will not be issued.

(4) *Invalid or expired documents.* The SSA will not issue a social security number when an applicant presents invalid or expired Immigration and Naturalization Service documents. Invalid documents are either forged documents that supposedly were issued by the Immigration and Naturalization Service or properly issued documents that were improperly changed after they were issued. An expired document is one that is good for only a limited time and that time has passed.

(5) *Notice to alien applicant.* An alien who applies for a social security number will be advised that information obtained by SSA in connection with the application for, and issuance of, a social security number might be transmitted to the Immigration and Naturalization Service. If a number is to be issued for nonwork purpose, the applicant will be advised that the Immigration and Naturalization Service will be notified should earnings be reported to SSA.

6. Section 422.110 is revised to read as follows:

§ 422.110 Individual's request for change in record.

Form OAAN-7003, "Request for Change in Social Security Records," should be completed and signed by any person who wishes to change the name or other personal identifying information previously submitted. The person must prove his or her identity and may be required to validate the SSN record. (See § 422.107 for evidence requirements.) Form OAAN-7003 may be obtained from any local social security office or from one of the sources noted in § 422.103(b). The completed

request for change in records may be submitted to any SSA office or, if the individual is in the Philippines, to the Veterans' Administration regional office, Manila, Philippines. If the request is for a change in name, a new social security number card bearing the same number previously assigned will be issued to the person making the request.

[FR Doc. 79-5282 Filed 2-16-79; 8:45 am]

#### [4110-03-M]

#### Title 21—Food and Drugs

### CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

#### SUBCHAPTER D—DRUGS FOR HUMAN USE

[Docket No. 78N-0395]

### ANTIBIOTIC DRUGS; CEFOTITIN

#### Certification; Final Rule

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: This document amends the antibiotic drug regulations to provide for the certification of cefotitin, a new antibiotic drug. The manufacturer has supplied sufficient data and information to establish the safety and efficacy of cefotitin.

DATES: Effective February 20, 1979; comments by March 22, 1979.

FOR FURTHER INFORMATION CONTACT:

Joan Eckert, Bureau of Drugs (HFD-140), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4290.

SUPPLEMENTARY INFORMATION: The Commissioner of Food and Drugs has evaluated data submitted in accordance with regulations promulgated under section 507 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 357), as amended, with respect to providing for the certification of a new antibiotic drug, cefotitin. The Commissioner concludes that the data supplied by the manufacturer on cefotitin are adequate to establish its safety and efficacy when used as di-

rected in the labeling and that the regulations should be amended in Parts 430, 436, 442, and 460 (21 CFR Parts 430, 436, 442, and 460) to provide for certification of cefotitin.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended (21 U.S.C. 357)) and under authority delegated to the Commissioner (21 CFR 5.1), Parts 430, 436, 442, and 460 are amended, as follows:

#### PART 430—ANTIBIOTIC DRUGS; GENERAL

1. Part 430 is amended:

a. In § 430.5 by adding new paragraphs (a)(64) and (b)(64) to read as follows:

§ 430.5 Definitions of master and working standards.

(a) \* \* \*

(64) *Cefotitin.* The term "cefotitin master standard" means a specific lot of cefotitin that is designated by the Commissioner as the standard of comparison in determining the potency of the cefotitin working standard.

\* \* \*

(b) \* \* \*

(64) *Cefotitin.* The term "cefotitin working standard" means a specific lot of a homogeneous preparation of cefotitin.

b. In § 430.6 by adding new paragraph (b)(66), to read as follows:

§ 430.6 Definitions of the terms "unit" and "microgram" as applied to antibiotic substances.

\* \* \*

(b) \* \* \*

(66) *Cefotitin.* The term "microgram" applied to cefotitin means the cefotitin activity (potency) contained in 1.072 micrograms of the cefotitin master standard.

#### PART 436—TESTS AND METHODS OF ASSAY OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

2. Part 436 is amended, as follows:

a. In § 436.33(b) by alphabetically inserting a new item in the table, as follows:

§ 436.33 Safety test.

\* \* \*

(b) \* \* \*

| Antibiotic drug | Diluent<br>(diluent<br>number<br>as listed<br>in<br>§ 436.31) | Test dose—  |  | Route of admin-<br>istration as<br>described in<br>paragraph (c)<br>of this section |
|-----------------|---|---|--|---|
|                 |   | Concentration in<br>units or<br>milligrams<br>of activity per<br>milliliter | Volume in<br>milliliters to<br>be adminis-<br>tered to each<br>mouse |   |
| Cefoxitin.....  | 3   | 100 mg.....   | 0.5  | Intravenous.  |

b. In § 436.105 (a) and (b) by alphabetically inserting a new item in the respective tables, as follows:

§ 436.105 Microbiological agar diffusion assay.

(a) \* \* \*

| Antibiotic     | Media to be used<br>(as listed by<br>medium number<br>in § 436.102(b)) |               | Milliliters of<br>media to be used<br>in the base and<br>seed layers |               | Test<br>orga-<br>nism | Suggested<br>volume of<br>standardized<br>inoculum to<br>be added to<br>each 100<br>milliliters<br>of seed agar | Incuba-<br>tion<br>temper-<br>ature<br>for the<br>plates |
|----------------|--|---------------|--|---------------|-----------------------|---|--|
|                | Base<br>layer  | Seed<br>layer | Base<br>layer  | Seed<br>layer |                       |   |  |
| Cefoxitin..... | 2  | 1             | 21   | 5             | A                     | 0.1   | 37   |

(b) \* \* \*

| Antibiotic     | Drying<br>conditions<br>(method<br>number<br>as listed in<br>§ 436.200) | Initial solvent | Working standard stock solutions                          |  |                                     | Standard response line<br>concentrations |  |
|----------------|---|-----------------|---|--|-------------------------------------|--|--|
|                |   |                 | Diluent (solution<br>number as listed in<br>§ 436.101(a)) | Final concentration<br>units or milligrams<br>per milliliter | Storage time under<br>refrigeration | Dilu-<br>ent                             | Final concentrations,<br>units or micrograms<br>of antibiotic activity<br>per milliliter |
| Cefoxitin..... | Not dried   |                 | 1   | 1 mg.....  | use same day.....                   | 1  | 12.8, 16.0, 20.0, 25, 31.2<br>µg.  |

c. In Subpart F by adding new § 436.326 to read as follows:

§ 436.326 Thin layer chromatographic identity test for cefoxitin sodium.

Using the sample solution prepared as described in the section for the

antibiotic drug to be tested, proceed as described in paragraphs (a), (b), (c), (d), and (e) of this section.

(a) *Equipment*—(1) *Chromatography tank*. A rectangular tank, approximately 23 centimeters long, 23 centimeters high, and 9 centimeters wide, equipped with a glass solvent trough

in the bottom and a tight-fitting cover for the top. Line the inside walls of the tank with Whatman #3 MM, chromatographic paper or equivalent.

(2) *Plates*. Use a 20×20 centimeter thin layer chromatography plate coated with silica gel G or equivalent to a thickness of 250 micrometers.

(b) *Developing solvent.* Mix ethyl acetate, pyridine, *n*-butanol, acetic acid, and water in volumetric proportions of 42:21:21:6:10, respectively.

(c) *Spray solution.* Immediately before use, mix 100 milliliters of a 1-percent ferric chloride solution in 1 percent hydrochloric acid with 100 milliliters of a 1-percent potassium ferricyanide solution and 75 milliliters of methanol.

(d) *Preparation of working standard solution.* Prepare a solution containing approximately 2.5 milligrams per milliliter of cefoxitin working standard in distilled water.

(e) *Procedure.* Pour developing solvent into the bottom of the chromatography tank. Cover and seal the tank. Allow it to equilibrate for 1 hour. Prepare a plate as follows: On a line 2 centimeters from the base of the silica gel plate, and at intervals of 2 centimeters, spot 10 microliters each of the standard solution and the sample solution. After all spots are thoroughly dry, place the silica gel plate directly into the glass trough. Cover and seal the tank. Allow the solvent front to travel about 15 centimeters from the starting line. Remove the plate from the tank and heat it for 1 hour at 60° C in a circulating air oven. Remove the plate from the oven and allow it to cool at room temperature. Apply the spray solution and allow it to air dry. After approximately 15 minutes, the compound appears as a blue spot on a yellow-green background.

(f) *Evaluation.* Measure the distance the solvent front traveled from the starting line and the distance the spots are from the starting line. Calculate the  $R_f$  value by dividing the latter by the former. The sample and standard should have spots of corresponding  $R_f$  values.

## PART 442—CEPHA ANTIBIOTIC DRUGS

3. Part 442 is amended:

a. In Subpart A by adding new § 442.14a to read as follows:

§ 442.14a Sterile cefoxitin sodium.

(a) *Requirements for certification—*  
(1) *Standards of identity, strength, quality, and purity.* Cefoxitin sodium

is the sodium salt of 3-(hydroxymethyl)-7 $\alpha$ -methoxy - 8 - oxo-7-[2-(2-thienyl) acetamido] - 5 - thia-1-azabicyclo[4.2.0]oct - 2 - ene-2-carboxylic acid carbamate (ester). It is so purified and dried that:

(i) Its potency is not less than 850 micrograms and not more than 1,000 micrograms of cefoxitin per milligram. If it is packaged for dispensing, its potency is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of cefoxitin that it is represented to contain.

(ii) It is sterile.

(iii) It is nonpyrogenic.

(iv) It passes the safety test.

(v) Its moisture content is not more than 2.0 percent.

(vi) Its pH in an aqueous solution is not less than 4.2 and not more than 7.0.

(vii) It gives a positive identity test.

(viii) It is crystalline.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, sterility, pyrogens, safety, moisture, pH, identity, and crystallinity.

(ii) Samples required:

(a) If the batch is packaged for repackaging or for use as an ingredient in the manufacture of another drug:

(1) For all tests except sterility: 10 packages, each containing approximately 1 gram.

(2) For sterility testing: 20 packages, each containing approximately 1 gram.

(b) If the batch is packaged for dispensing:

(1) For all tests except sterility: A minimum of 10 immediate containers.

(2) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay—*(1) *Potency.* Use either of the following methods; however, the results obtained from the hydroxylamine colorimetric assay shall be conclusive.

(i) *Microbiological agar diffusion assay.* Proceed as directed in § 436.105

of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed sample in sufficient 1.0 percent potassium phosphate buffer, pH 6.0 (solution 1), to obtain a stock solution of convenient concentration; also if it is packaged for dispensing, reconstitute as directed in the labeling. Then using a suitable hypodermic needle and syringe, remove all of the withdrawable contents if it is represented as a single dose container; or if the labeling specifies the amount of potency in a given volume of the resultant preparation, remove an accurately measured representative portion from each container. Dilute with solution 1 to obtain a stock solution of convenient concentration. Further dilute an aliquot of the stock solution with solution 1 to the reference concentration of 20 micrograms of cefoxitin activity per milliliter (estimated).

(ii) *Hydroxylamine colorimetric assay.* Proceed as directed in § 442.40(b)(1)(ii) of this chapter, except prepare the working standard and sample solutions and calculate the cefoxitin content as follows:

(a) *Preparation of working standard solutions.* Dissolve and dilute an accurately weighed portion of the cefoxitin working standard in sufficient distilled water to obtain a stock solution of convenient concentration. Further dilute an aliquot of this solution with distilled water to a concentration of 1 milligram of cefoxitin per milliliter.

(b) *Preparation of sample solutions.* Dissolve an accurately weighed portion of the sample in sufficient distilled water to obtain a stock solution of convenient concentration; also if it is packaged for dispensing, reconstitute as directed in the labeling. Then using a suitable hypodermic needle and syringe, remove all of the withdrawable contents if it is represented as a single dose container; or if the labeling specifies the amount of potency in a given volume of the resultant preparation, remove an accurately measured representative portion from each container. Dilute with distilled water to obtain a stock solution of convenient concentration. Further dilute an aliquot of the stock solution with distilled water to a concentration of 1 milligram of cefoxitin per milliliter (estimated).

(c) *Calculations—*(1) Calculate the cefoxitin content in micrograms per milligram as follows:

[4110-03-C]

Micrograms of cefoxitin  
per milligram of sample

$$= \frac{\underline{A}_u \times \underline{P}_a}{\underline{A}_s \times \underline{W}_u}$$

where:

$\underline{A}_u$  = Absorbance of sample solution;

$\underline{P}_a$  = Potency of working standard solution in micrograms  
per milliliter;

$\underline{A}_s$  = Absorbance of working standard solution;

$\underline{W}_u$  = Milligrams of sample per milliliter of sample  
solution.

(2) Calculate the cefoxitin content of the single-dose  
vial as follows:

Milligrams of  
cefoxitin per  
single-dose vial

$$= \frac{\underline{A}_u \times \underline{P}_a \times \underline{d}}{\underline{A}_s \times 1,000}$$

where:

$\underline{A}_u$  = Absorbance of sample solution;

$\underline{P}_a$  = Potency of working standard solution in micrograms  
per milliliter;

$\underline{A}_s$  = Absorbance of working standard solution;

$\underline{d}$  = Dilution factor of the sample.

(3) Calculate the cefoxitin content of the multiple-dose  
vial as follows:

Milligrams of  
cefoxitin per  
multiple-dose vial

$$= \frac{\underline{A}_u \times \underline{P}_a \times \underline{d}}{\underline{A}_s \times 1,000 \times \underline{n}}$$

where:

$\underline{A}_u$  = Absorbance of sample solution;

$\underline{P}_a$  = Potency of working standard solution in micrograms  
per milliliter;

$\underline{A}_s$  = Absorbance of working standard solution;

$\underline{d}$  = Dilution factor of the sample;

$\underline{n}$  = Volume of sample solution assayed.

## RULES AND REGULATIONS

## [4110-03-M]

(2) *Sterility*. Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(1) of that section.

(3) *Pyrogens*. Proceed as directed in § 436.32(b) of this chapter, using a solution containing 50 milligrams of cefoxitin per milliliter.

(4) *Safety*. Proceed as directed in § 436.33 of this chapter.

(5) *Moisture*. Proceed as directed in § 436.201 of this chapter, using the titration procedure described in paragraph (e)(1) of that section, except add about 25 milliliters of methanol in lieu of solvent A to a dry titrating vessel and proceed as directed in titration procedure 1.

(6) *pH*. Proceed as directed in § 436.202 of this chapter, using an aqueous solution containing 100 milligrams per milliliter.

(7) *Identity*. Proceed as directed in § 436.326 of this chapter, preparing the sample as follows: Prepare a solution containing about 2.5 milligrams of cefoxitin per milliliter in distilled water.

(8) *Crystallinity*. Proceed as directed in § 436.203(a) of this chapter.

b. In Subpart C by adding new § 442.214, to read as follows:

§ 442.214 Sterile cefoxitin sodium.

The requirements for certification and the tests and methods of assay for sterile cefoxitin packaged for dispensing are described in § 442.14a.

**PART 460—ANTIBIOTIC DRUGS INTENDED FOR USE IN LABORATORY DIAGNOSIS OF DISEASE**

4. Part 460 is amended in §§ 460.1 and 460.6, as follows:

a. In § 460.1, the lists in paragraphs (a) and (c)(1)(ii), and the tables under E and F of paragraph (c)(2) are amended by alphabetically inserting a new item, as follows:

§ 460.1 Certification procedures for antibiotic susceptibility discs.

(a) \*\*\*

Cefoxitin: 30 mcg.

\*\*\*

(c) \*\*\*

(i) \*\*\*

(ii) \*\*\*

| Name of disc        | Content of antibiotic in micrograms or units per disc |
|---------------------|---|
| Cefoxitin disc..... | 30 mcg. cefoxitin                                     |

(2) \* \* \*

**E. INTERPRETATION OF ZONE SIZES**

| Antibiotic                   | Disc content | Diameter (millimeters) of zone of inhibition |              |             |
|------------------------------|--------------|--|--------------|-------------|
|                              |              | Resistant                                    | Intermediate | Susceptible |
| Cefoxitin <sup>1</sup> ..... | 30 mcg.....  | 14 or less                                   | 15-17        | 18 or more. |

<sup>1</sup>The cefoxitin disc should not be used for testing susceptibility of other cephalosporins.

**F. REFERENCE ORGANISMS**

| Antibiotic     | Disc content | Individual tests                              |   |
|----------------|--------------|---|---|
|                |              | Zone diameters in millimeters                 | Permitted millimeter difference             |
|                |              | With <i>S. aureus</i> ATCC 25923 <sup>1</sup> | With <i>E. coli</i> ATCC 25922 <sup>1</sup> |
| Cefoxitin..... | 30 mcg.....  | 24-32   | 25-30                                       |

<sup>1</sup>Available from: American Type Culture Collection, 12301 Parklawn Dr., Rockville, Md. 20852.

b. Section 460.6 is amended in paragraphs (c)(3) and (d) by alphabetically inserting a new item in the tables, as follows:

§ 460.6 Tests and methods of assay for potency of antibiotic susceptibility discs.

(c) \*\*\*

(3) \*\*\*

| Antibiotic              | Volume of suspension added to each 100 ml. of seed agar used for test | Suspension number | Medium     |            |
|-------------------------|---|-------------------|------------|------------|
|                         |   |                   | Base layer | Seed layer |
| Cefoxitin (sodium)..... | 1.0   | 10                | E          | A          |

(d) \*\*\*

| Antibiotic            | Solvent                        | Standard curve (antibiotic concentration per disc) |
|-----------------------|--------------------------------|--|
| Cefoxitin sodium..... | 50 percent methyl alcohol..... | 15, 30, 60 µg.                                     |



Because the conditions prerequisite to certification of this drug have been met, and because the matter is non-controversial, the Commissioner finds that prior notice and public procedure are impracticable and unnecessary and that the amendment may become effective upon the day of publication.

Interested persons may, on or before March 22, 1979 file with the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857, written comments, in four copies and identified with the docket number found in brackets in the heading of this document. Comments received may be seen in the office of the Hearing Clerk between 9 a.m. and 4 p.m., Monday through Friday. Any changes in this regulation justified by such comments will be the subject of a further amendment.

**Effective date.** This regulation shall be effective February 20, 1979.

(Sec. 507, 59 Stat. 463, as amended (21 U.S.C. 357).)

Dated: February 9, 1979.

MARY A. MCENIRY,  
Assistant Director for Regulatory  
Affairs, Bureau of Drugs.

[FR Doc. 79-5209 Filed 2-16-79; 8:45 am]

[4110-03-M]

SUBCHAPTER D—DRUGS FOR HUMAN USE

SUBCHAPTER E—ANIMAL DRUGS, FEEDS, AND  
RELATED PRODUCTS

[Docket No. 78N-03121]

ANTIBIOTIC DRUGS

Miscellaneous Amendments

AGENCY: Food and Drug Administration.

ACTION: Final Rule.

**SUMMARY:** This document amends the antibiotic regulations to update the provisions for the certification of antibiotic and antibiotic-containing drugs for human use. This document also amends the animal drug regulations to delete an incorrectly codified provision. These amendments will result in more accurate and useable regulations that reflect current certification practice.

**DATES:** Effective March 22, 1979; comments by April 23, 1979.

**ADDRESS:** Written comments to the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION  
CONTACT:

Joan M. Eckert, Bureau of Drugs  
(HFD-140), Food and Drug Adminis-

tration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4290.

**SUPPLEMENTARY INFORMATION:** The Food and Drug Administration (FDA) is amending the antibiotic drug regulations that provide for certification of antibiotic and antibiotic-containing drugs intended for human use. To aid in understanding the types of changes included in this document, the changes have been grouped into three general classes for discussion in this preamble: (1) Monograph corrections to include provisions that have been inadvertently omitted; (2) editorial revision of one section; and (3) technical changes. The changes are minor and not substantive.

#### MONOGRAPH CORRECTIONS

1. Section 440.19 (21 CFR 440.19) is corrected by adding calculations that were incorrectly printed in § 440.119a (21 CFR 440.119a) and deleting the calculations from that section.

2. Sections 440.25, 440.29, 440.29a (21 CFR 440.25, 440.29, and 440.29a) are amended to correct errors in the calculations.

3. Section 444.6 (21 CFR 444.6) is revised to add omitted test specifications.

4. Section 448.230 (21 CFR 448.230), which was inadvertently omitted when the antibiotic drug regulations were recodified in the FEDERAL REGISTER of May 30, 1974 (39 FR 18922), is added.

5. Sections 455.310b, 455.310c, and 455.410 (21 CFR 455.310b, 455.310c, and 455.410) are amended to correct references to a deleted monograph.

6. Section 555.310g (21 CFR 555.310g), which provides for human drugs, was incorrectly placed with the veterinary monographs in Subpart E. It is redesignated § 455.510d (21 CFR 455.510(d)), placed in Subpart D, and the appropriate changes in the references are made.

#### EDITORIAL REVISION

Section 432.1(d) (21 CFR 432.1(d)) is revised for clarity.

#### TECHNICAL CHANGES

In keeping with current policy, certain noncontroversial technical changes, based on certification experience, are made as part of updating the regulations. Technical changes are made in six sections of the regulations.

1. Section 432.1(d) is amended to reflect that plastic containers for institutional use have been approved for some antibiotic drug products on the basis of data submitted by manufacturers. The reference to "Inhalation

therapy" in § 432.1(e) is being deleted because currently there are no antibiotic drug regulations for drugs intended for inhalation therapy.

2. Section 436.103 (21 CFR 436.103) is revised to reflect the current names and American Type Culture Collection (ATCC) numbers of certain test organisms.

3. Sections 436.105, 436.204, and 436.205 (21 CFR 436.105, 436.204, and 436.205) are amended to provide for the use of redesignated working standard material for penicillin G and penicillin V.

4. Section 450.220 (21 CFR 450.220) is amended by revising the description of the potency sample preparation.

The Commissioner of Food and Drugs has determined that this document does not contain an agency action covered by § 25.1(b) (21 CFR 25.1(b)), and consideration by the agency of the need for preparing an environmental impact statement is not required.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 507, 512(n), 59 Stat. 463 as amended, 82 Stat. 350-351 (21 U.S.C. 357, 360b(n))) and under authority delegated to him (21 CFR 5.1), the Commissioner amends Chapter I of Title 21 of the Code of Federal Regulations follows:

#### PART 432—PACKAGING AND LABELING OF ANTIBIOTIC DRUGS

1. In § 432.1 by revising paragraphs (d) and (e) to read as follows:

§ 432.1 Packaging requirements.

(d) If it is dispensed as an ointment or cream, it shall be in collapsible tubes that shall in no case be larger than the 2-ounce size, except:

(1) If it is labeled for institutional use, it may be packaged in immediate containers larger than the 2-ounce size and it may be packaged in immediate containers of glass or plastic; or

(2) If it is an ointment represented for ophthalmic use, it shall be in collapsible tubes which shall not be larger than the ½-ounce size.

(e) If it is intended for ophthalmic use, the closure shall be one through which a hypodermic needle cannot be introduced.

#### PART 436—TESTS AND METHODS OF ASSAY OF ANTIBIOTIC AND ANTI- BIOTIC-CONTAINING DRUGS

2. In § 436.103(a) by revising the entries in the first column for Test organisms B, C, L, N, R, S, and V to read as follows:

§ 436.103 Test organisms.

(a) \* \* \*

| Test organisms  | Method used | Medium used for the— |              | Incubation period of Roux bottle | Suggested dilution factor | Suggested storage period of suspensions under refrigeration |
|---|-------------|----------------------|--------------|----------------------------------|---------------------------|---|
|   |             | Slants               | Roux bottles |                                  |                           |   |
| Test organism B— <i>Micrococcus luteus</i> (ATCC 7468). <sup>1</sup>                                      |             | *                    | *            | *                                | *                         | *   |
| Test organism C— <i>Micrococcus luteus</i> (ATCC 9341). <sup>1</sup>                                      |             | *                    | *            | *                                | *                         | *   |
| Test organism L— <i>Micrococcus luteus</i> (ATCC 10240). <sup>1</sup>                                     |             | *                    | *            | *                                | *                         | *   |
| Test organism N— <i>Micrococcus luteus</i> , resistant to dihydrostreptomycin (ATCC 9341a). <sup>1</sup>  |             | *                    | *            | *                                | *                         | *   |
| Test organism R— <i>Micrococcus luteus</i> , resistant to dihydrostreptomycin (ATCC 7468D). <sup>1</sup>  |             | *                    | *            | *                                | *                         | *   |
| Test organism S— <i>Micrococcus luteus</i> , resistant to erythromycin (ATCC 15957). <sup>1</sup>         |             | *                    | *            | *                                | *                         | *   |
| Test organism V— <i>Micrococcus luteus</i> , resistant to dihydrostreptomycin (ATCC 10240a). <sup>1</sup> |             | *                    | *            | *                                | *                         | *   |

## § 436.105 [Amended]

3. In § 436.105 *Microbiological agar diffusion assay* by amending the table in paragraph (b) as follows:

a. In the first column, Antibiotic, by revising the entry "Penicillin" to read "Penicillin V potassium."

b. In the third column, Initial solvent, by deleting the entry "2 ml. of methyl alcohol" for the antibiotic, as revised, "Penicillin V potassium."

c. In the sixth column, Storage time under refrigeration, by revising the entry "2 days" to read "5 days" for the antibiotic "Penicillin G."

## § 436.204 [Amended]

4. In § 436.204 *Iodometric assay* by amending the table in paragraph (b)(1) as follows:

a. In the first column, Antibiotic, by revising the entries "Penicillin V" and "L-phenethicillin potassium" to read "Penicillin V potassium" and "L-phenethicillin," respectively.

b. In the second column, Initial solvent, by deleting the entry "2 milliliters methyl alcohol" and marking it "do" for the antibiotic, as revised, "Penicillin V potassium."

## § 436.205 [Amended]

5. In § 436.205 *Hydroxylamine colorimetric assay* by amending the table in paragraph (b) as follows:

a. In the first column, Antibiotic, by revising the entry "Penicillin V" to read "Penicillin V potassium."

b. In the second column, Diluent, by revising the entry "17" to read "1" for the antibiotic, as revised, "Penicillin V potassium."

## PART 440—PENICILLIN ANTIBIOTIC DRUGS

6. In § 440.19, paragraph (b)(5) is amended by adding formulas after the final sentences of paragraph (b)(5) (ii) and (iii) as follows:

§ 440.19 Dicloxacillin sodium monohydrate.

\* \* \* \* \*

(b) \* \* \*

(5) \* \* \*

(ii) \* \* \*

N X milliliters of silver nitrate X 3545.7

Percent total chlorine =

Milligrams of sample

(iii) \* \* \*

N X milliliters of silver nitrate X 3545.7

Percent free chloride =

Milligrams of sample

\* \* \*

(iii) \* \* \*

7. In § 440.25 by revising paragraph (b)(5)(vi) to read as follows:

Percent hetacillin =

where:

C=Concentration in milligrams of hetacillin per milliliter of the final solution of the sample obtained from the standard response line.

P=Hetacillin content of the hetacillin working standard in percent.

Percent hetacillin =

where:

C=Concentration in milligrams of hetacillin per milliliter of the final solution of the sample obtained from the standard response line.

P=Hetacillin content of the hetacillin working standard in percent.

Percent hetacillin =

where:

C=Concentration in milligrams of hetacillin per milliliter of the final solution of the sample obtained from the standard response line.

P=Hetacillin content of the hetacillin working standard in percent.

§ 440.119a [Amended]

10. In § 440.119a *Dicloxacillin sodium monohydrate capsules* by deleting the calculations at the end of paragraph (a)(1).

#### PART 444—OLIGOSACCHARIDE ANTIBIOTIC DRUGS

11. In § 444.6 by revising paragraph (b)(7) to read as follows:

§ 444.6 Amikacin.

§ 440.25 Hetacillin.

(b) \* \* \*

(5) \* \* \*

(vi) *Calculations.*

$$\frac{C \times 5,000 \times P}{\text{Wt. of sample in milligrams}}$$

8. In § 440.29 by revising the calculations in paragraph (b)(5) to read as follows:

§ 440.29 Hetacillin potassium.

(b) \* \* \*

(5) \* \* \*

$$\frac{C \times 5,000 \times P'}{\text{Wt. of sample in milligrams}}$$

Wt. of sample in milligrams

9. In § 440.29a by revising the calculations in paragraph (b)(7) to read as follows:

§ 440.29a Sterile hetacillin potassium.

(b) \* \* \*

(7) \* \* \*

$$\frac{C \times 5,000 \times P}{\text{Wt. of sample in milligrams}}$$

Wt. of sample in milligrams

(b) \* \* \*

(7) *Specific rotation.* Proceed as directed in § 436.210 of this chapter, using an aqueous solution containing 20 milligrams of amikacin per milliliter and a 1.0-decimeter polarimeter tube. Calculate the specific rotation on an anhydrous basis.

#### PART 448—PEPTIDE ANTIBIOTIC DRUGS

12. In Part 448 by adding new § 448.230 to read as follows:

§ 448.230 Sterile polymyxin B sulfate.

The requirements for certification and the tests and methods of assay for sterile polymyxin B sulfate packaged for dispensing are described in § 448.30a.

#### PART 450—ANTITUMOR ANTIBIOTIC DRUGS

13. In § 450.220 by revising paragraph (b)(1)(i) to read as follows:

§ 450.220 Dactinomycin for injection.

(b) \* \* \*

(1) \* \* \*

(i) *Microbiological agar diffusion assay.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Reconstitute the product as directed in the labeling. Using a suitable hypodermic needle and syringe, withdraw an accurately measured representative portion of the sample and dilute with 0.1M potassium phosphate buffer, pH 8.0 (solution 3), to the reference concentration of 1.0 microgram of dactinomycin per milliliter (estimated).

#### PART 455—CERTAIN OTHER ANTIBIOTIC DRUGS

14. Section 455.310b is amended by revising paragraph (a)(1) and (4)(iii)(b) to read as follows:

§ 455.310b Chloramphenicol ophthalmic.

(a) \* \* \*

(1) *Standards of identity, strength, quality, and purity.* Chloramphenicol ophthalmic is chloramphenicol, with or without one or more suitable and harmless preservatives, buffer substances, and diluents. It may contain cortisone, hydrocortisone, or a suitable ester of cortisone or hydrocortisone. It is sterile. The chloramphenicol is of such quantity that when prepared as directed in its labeling the potency of such solution or suspension is not less than 1.0 milligram per milliliter and maintains its labeled potency after it has been kept for 10 days at room temperature. Such solution or suspension has a pH of 7.3±0.2. The chloramphenicol used conforms to the requirements of § 455.10a(a)(1), except paragraph (a)(1) (ii), (iii), and (v) of that section. Each other ingredient used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(4) \* \* \*

(iii) \* \* \*

(b) The chloramphenicol used in making the batch: 10 packages, each containing approximately equal portions of not less than 300 milligrams.

15. Section 455.310c is amended by revising paragraph (a)(1) and (4)(ii)(a) to read as follows:

§ 455.310c Chloramphenicol ointment (chloramphenicol cream).

(a) \*\*\*

(1) *Standards of identity, strength, quality, and purity.* Chloramphenicol ointment is chloramphenicol in a suitable and harmless ointment base, with or without suitable and harmless buffer substances, dispersing and suspending agents. It may contain cortisone or a suitable derivative or cortisone. If such base is water-miscible, it shall contain a suitable and harmless preservative. Its potency is not less than 1.0 milligram per gram. If it is intended for ophthalmic use, it is sterile. The chloramphenicol used conforms to the requirements of § 455.10a(a)(1), except paragraph (a)(1) (ii), (iii), (iv), and (v) of that section. The chloramphenicol used in making the chloramphenicol ophthalmic ointment conforms to the requirements of § 455.10a(a)(1), except paragraph (a)(1) (iii) and (v) of that section. Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(4) \*\*\*

(ii) \*\*\*

(a) The chloramphenicol used in making the batch: 10 packages, each containing approximately 300 milligrams.

16. Section 455.410 is amended by revising paragraph (a)(1) and (4)(iii)(b) to read as follows:

§ 455.410 Chloramphenicol otic; chloramphenicol topical.

(a) \*\*\*

(1) *Standards of identity, strength, quality, and purity.* Chloramphenicol otic and chloramphenicol topical is chloramphenicol, with or without ethyl aminobenzoate, in a suitable and harmless vehicle. The potency of the solution is not less than 5 milligrams per milliliter. Its moisture content is not more than 2 percent. Its pH is not less than 4 and not more than 8. The chloramphenicol used conforms to the requirements of § 455.10a(a)(1), except paragraph (a)(1) (ii), (iii), (iv), and (v) of that section. Each other ingredient used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(4) \*\*\*

(iii) \*\*\*

(b) The chloramphenicol used in making the batch: 10 packages, each containing approximately equal portions of not less than 300 milligrams.

17. By adding new § 455.510d to read as follows:

§ 455.510d Fibrinolysin and desoxyribonuclease, combined (bovine) with chloramphenicol ointment.

(a) *Requirements for certification—*

(1) *Standards of identity, strength, quality, and purity.* Fibrinolysin and desoxyribonuclease, combined (bovine) with chloramphenicol ointment is fibrinolysin, desoxyribonuclease, and chloramphenicol in a suitable and harmless ointment base. It contains a suitable and harmless preservative. Each gram contains 1 unit of fibrinolysin, 666 units of desoxyribonuclease, and 10 milligrams of chloramphenicol. Its chloramphenicol content is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of chloramphenicol that it is represented to contain. The chloramphenicol used conforms to the standards prescribed by § 455.10, except paragraph (b)(2) of that section, concerning safety. In addition to the requirements prescribed by this paragraph, the drug satisfies the requirements designated therefor by the Bureau of Biologics, Food and Drug Administration, Department of Health, Education, and Welfare.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(a) The chloramphenicol used in making the batch for potency, pH, specific rotation, melting range, absorptivity, and crystallinity.

(b) The batch for potency.

(ii) Samples required:

(a) The chloramphenicol used in making the batch: 10 packages each containing approximately 300 milligrams.

(b) The batch: A minimum of 5 containers if it is packaged in immediate containers of tin or glass, and a minimum of 20 immediate containers if it is packaged in immediate containers other than tin or glass.

(b) *Tests and methods of assay; potency.* Proceed as directed in § 436.106 of this chapter, preparing the sample for assay as follows: Place an accurately weighed representative portion of the sample into a high-speed glass blender jar containing 1 milliliter polysorbate 80 and sufficient 1 percent potassium phosphate buffer, pH 6.0

(solution 1), to give a stock solution of convenient concentration. Blend 3 to 5 minutes. Remove an aliquot and further dilute with solution 1 to the reference concentration of 2.5 micrograms of chloramphenicol per milliliter (estimated).

## PART 555—CHLORAMPHENICOL DRUGS FOR ANIMAL USE

§ 555.310g [Deleted]

18. In Part 555, by deleting § 555.310g *Fibrinolysin and desoxyribonuclease, combined (bovine) with chloramphenicol ointment.*

Because this amendment institutes changes that are either corrective or editorial, or of a minor substantive nature, the Commissioner finds, for good cause, that prior notice and public procedure are impractical and unnecessary. Interested persons may, however, on or before April 23, 1979, file with the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857, written comments, in four copies and identified with the docket number found in brackets in the heading of this document. Comments received may be seen in the office of the Hearing Clerk between the hours of 9 a.m. and 4 p.m., Monday through Friday. Any changes in this regulation, justified by such comments will be the subject of a further amendment.

*Effective date.* This regulation shall be effective March 22, 1979.

(Secs. 507, 512(n), 59 Stat. 463 as amended, 82 Stat. 350-351 (21 U.S.C. 357, 360b(n)))

Dated: February 9, 1979.

MARY A. McENIRY,  
Assistant Director for Regulatory  
Affairs, Bureau of Drugs.  
[FR Doc. 79-5210 Filed 2-16-79; 8:45 am]

[4110-03-M]

[Docket No. 78N-0028]

## PART 448—PEPTIDE ANTIBIOTIC DRUGS

### Sterile Colistimethate Sodium Revised Chemical Tests

AGENCY: Food and Drug Administration.

ACTION: Final Rule.

SUMMARY: This rule amends the antibiotic drug regulations for sterile colistimethate sodium by substituting certain new certification tests and by revising the pH and loss-on-drying tests. These changes will improve drug quality assurance.

EFFECTIVE DATE: March 22, 1979.

**FOR FURTHER INFORMATION CONTACT:**

Joan Eckert, Bureau of Drugs (HFD-140), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4290.

**SUPPLEMENTARY INFORMATION:** The Commissioner of Food and Drugs proposed in the FEDERAL REGISTER of March 21, 1978 (43 FR 11714), and corrected April 7, 1978 (43 FR 14683), and April 14, 1978 (43 FR 15734), to amend the antibiotic drug regulations for sterile colistimethate sodium to: (1) Substitute new tests for free colistin, iodine reduction, and infrared identity for the existing tests for residue on ignition and color identity; and (2) revise the pH and loss-on-drying tests.

Interested persons were given until May 22, 1978, to submit written comments. Two comments were received in response to the proposal, as follows:

1. One manufacturer of the antibiotic drug recommended that the limit for loss on drying be 7 percent instead of the proposed 6 percent. The respondent submitted information to support the suggested limit.

In view of this comment and a re-evaluation of certification data, the Commissioner concludes that the 7 percent limit is more appropriate than the proposed 6 percent.

2. The second comment objected to the proposed infrared identity test on the ground that the infrared spectrum is not sufficiently specific.

The Commissioner has considered this comment but finds that the infrared identity test is adequate when performed along with other proposed tests.

The comment also suggested the need for a more precise indication of time for the pH measurement.

The FDA laboratories have found no significant difference in the pH measurement after a stable pH has been reached. For example, FDA tests at different time periods, i.e., 1 minute and 30 minutes, showed no significant difference in pH values. The Commissioner believes that to include a precise indication of time would be impracticable because the time required to reach a stable pH is a function of the characteristics of the pH electrode and the solution being tested.

After considering the comments, the Commissioner concludes that the amendment should be adopted as proposed with the exception that the loss-on-drying requirement is set at 7 percent.

The Commissioner has determined that this document does not contain an agency action covered by § 25.1(b) (21 CFR 25.1(b)); therefore, consideration by FDA of the need for preparing

an environmental impact statement is not required.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended (21 U.S.C. 357)) and under authority delegated to the Commissioner (21 CFR 5.1), Part 448 is amended in § 448.20a by revising paragraphs (a)(1) (v), (vi), (viii), and (3)(i) and (b) (6), (7), and (8) to read as follows:

**§ 448.20a Sterile colistimethate sodium.**

(a) \* \* \*

(1) \* \* \*

(v) Its loss on drying is not more than 7.0 percent.

(vi) Its pH in an aqueous solution containing 10 milligrams per milliliter is not less than 6.5 and not more than 8.5.

(viii) It passes the test for free colistin.

(3) \* \* \*

(i) Results of tests and assays on the batch for potency, sterility, safety, pyrogens, loss on drying, pH, identity, free colistin, and heavy metals.

(b) \* \* \*

(6) pH. Proceed as directed in § 436.202 of this chapter, using a 1-percent aqueous solution prepared in the following manner: Weigh accurately 0.5 gram of sample and transfer to a 125-milliliter Erlenmeyer flask. Add 50 milliliters of freshly boiled distilled water, stopper, and shake until the sample is in solution.

(7) Identity—(i) *Infrared*. Proceed as directed in § 436.211 of this chapter, using a 1-percent potassium bromide disc prepared as described in paragraph (b)(1) of that section.

(ii) *Iodine reduction*. Dissolve 40 milligrams of sample in 1.0 milliliter of 1.0N hydrochloric acid and add 0.5 milliliter of 0.02N iodine. The color is rapidly discharged.

(8) *Free Colistin*. Dissolve 80 milligrams of sample in 3.0 milliliters of distilled water and add 0.05 milliliter of 10 percent w/v solution of silicotungstic acid. It passes the test for free colistin if no immediate precipitate is produced.

**Effective date.** This amendment will be effective March 22, 1979.

(Sec. 507, 59 Stat. 463, as amended (21 U.S.C. 357))

Dated: February 12, 1979.

MARY A. MCENTERY,  
Assistant Director for Regulatory  
Affairs, Bureau of Drugs.  
[FR Doc. 79-5203 Filed 2-16-79; 8:45 am]

[4830-01-M]

Title 26—Internal Revenue

**CHAPTER 1—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY**

**SUBCHAPTER A—INCOME TAX**

[T.D. 7595]

**PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953**

**Consolidated Return Regulations**

**AGENCY:** Internal Revenue Service, Treasury.

**ACTION:** Final regulations.

**SUMMARY:** This document contains final regulations relating to consolidated returns. The amendments are designed to supplement the consolidated return regulations adopted in 1966. They would affect tax-exempt organizations that file consolidated returns.

**DATE:** The regulations are effective for taxable years for which the due date (without extensions) for filing returns is after February 16, 1979.

**FOR FURTHER INFORMATION CONTACT:**

Lawrence M. Axelrod of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224 (Attention: CC:LR:T) (202-566-3458, not a toll-free call).

**SUPPLEMENTARY INFORMATION:**

**BACKGROUND**

On July 19, 1978, the FEDERAL REGISTER published proposed amendments to the Income Tax Regulations (26 CFR Part 1) under section 1502 of the Internal Revenue Code of 1954 (43 FR 31038). The amendments were proposed to conform the regulations to section 121(a)(4) of the Tax Reform Act of 1969 (83 Stat. 537). No public hearing was requested and none was held. Those amendments are adopted as revised by this Treasury decision.

The purpose of these amendments is to provide regulations under section 1502 relating to the filing of a consolidated return by two or more organizations exempt from taxation under section 501(a). Under section 1504(e), cer-

tain tax-exempt organizations may be considered includible corporations for purposes of constituting an affiliated group, if the group includes only such organizations. Generally, § 1.1502-1 through § 1.1502-80 apply to exempt groups unless these provisions are inconsistent with § 1.1502-100 or Subchapter F of Chapter 1 of the Code.

#### DRAFTING INFORMATION

The principal author of this regulation is Lawrence M. Axelrod of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulation, both on matters of substance and style.

#### ADOPTION OF AMENDMENTS TO THE REGULATIONS

Accordingly, the amendments published with notice of proposed rulemaking in the FEDERAL REGISTER for July 19, 1978, (43 FR 31038) are adopted, subject to the following change:

Section 1.1502-100(c)(4), as set forth in paragraph 2 of the notice of proposed rulemaking, is amended to read as follows:

§ 1.1502-100 Corporations exempt from tax.

\* \* \* \* \*

(c) *Consolidated unrelated business taxable income.* \* \* \*

(4) Any consolidated net gain or net loss from the disposition of debt-financed property (as defined in section 514(b)) taken into account as provided by section 514(a), or from the cutting of timber to which section 631 applies.

This Treasury decision is issued under the authority contained in sections 1502 and 7805 of the Internal Revenue Code of 1954 (68A Stat. 637, 917; 26 U.S.C. 1502, 7805).

JEROME KURTZ,  
Commissioner of Internal Revenue.

Approved: February 8, 1979.

DONALD C. LUBICK,  
Assistant Secretary  
of the Treasury.

Paragraph 1. Section 1.1502 is deleted.

Par. 2. Section 1.1502-100 is revised to read as follows:

§ 1.1502-100 Corporations exempt from tax.

(a) *In general*—(1) *Computation of tax liability.* The tax liability for a consolidated return year of a group of two or more corporations described in section 1504(e) which are exempt from taxation under section 501 (hereinafter referred to in this section as

"exempt group") shall be determined on a consolidated basis by applying the provisions of subchapter F of chapter 1 of the code in the manner provided in this section. See section 1504(e) for tax-exempt corporations eligible to file a consolidated return.

(2) *Applicability of other consolidated return provisions.* The provisions of § 1.1502-1 through § 1.1502-80 shall be applicable to an exempt group to the extent they are not inconsistent with the provisions of this section or the provisions of subchapter F of chapter 1 of the Code. For purposes of applying the provisions of § 1.1502-1 through § 1.1502-80 to an exempt group, the following substitutions shall be made—

(i) The term, "exempt group" shall be substituted for the term "group".

(ii) The terms "unrelated business taxable income", "separate unrelated business taxable income", and "consolidated unrelated business taxable income" shall be substituted for the terms "taxable income", "separate taxable income", and "consolidated taxable income", and

(iii) The term "consolidated liability for tax determined under § 1.1502-2" (or an equivalent term) shall mean the consolidated liability for tax of an exempt group determined under paragraph (b) of this section.

(b) *Consolidated liability for tax.* The tax liability for a consolidated return year of an exempt group is the tax imposed by section 511(a) or section 1201(a) on the consolidated unrelated business taxable income for the year (determined under paragraph (c) of this section), and by allowing the credits and surtax exemption provided in § 1.1502-2.

(c) *Consolidated unrelated business taxable income.* The consolidated unrelated business taxable income for a consolidated return year shall be determined by taking into account—

(1) The separate unrelated business taxable income of each member of the exempt group (determined under paragraph (d) of this section);

(2) Any consolidated net operating loss deduction (determined under § 1.1502-21) subject to the limitations provided in section 512(b)(6);

(3) Any consolidated charitable contribution deduction (determined under § 1.1502-24) subject to the limitations provided in section 512(b)(10); and

(4) Any consolidated net gain or net loss from the disposition of debt-financed property (as defined in section 514(b)) taken into account as provided by section 514(a), or from the cutting of timber to which section 631 applies.

(d) *Separate unrelated business taxable income.* The separate unrelated business taxable income of a member of an exempt group shall be computed in accordance with the provisions of

section 512 covering the determination of unrelated business taxable income of separate corporations, except that—

(1) The provisions of paragraphs (a) through (k) and (o) of § 1.1502-12 shall apply; and

(2) No charitable contributions deduction shall be taken into account under section 512(b)(10).

See sections 511(c) and 512(a)(3)(C) for special rules applicable to organizations described in section 501(c)(2).

[FR Doc. 79-5387 Filed 2-16-79; 8:45 am]

[6210-01-M]

Title 32A—National Defense,  
Appendix

#### CHAPTER XV—FEDERAL RESERVE SYSTEM

[Reg. V, Docket No. R-0201]

#### PART 1505—LOAN GUARANTEES FOR DEFENSE PRODUCTION

##### Revision of Entire Regulation

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rules.

SUMMARY: The Federal Reserve System is engaged in a Regulatory Improvement Project involving a review of all of its regulations; and, as part of that Project, the Board has revised Regulation V, which relates to loan guarantees for defense production. This action is being taken, after consultation with the heads of the guaranteeing agencies, in order to simplify and consolidate the Board's rules concerning the V-loan program.

The Board's Regulatory Improvement Project also involves an analysis of the costs and benefits of each regulation. This analysis might lead to recommendations for legislative or other changes. Accordingly, the Board is soliciting comments from the public regarding the desirability of the loan guarantee program and the manner in which it is operated.

DATES: The revision of Regulation V is effective February 20, 1979, and public comment is not being solicited in this regard. However, comments regarding the desirability of the V-loan program that underlies the regulation should be submitted in writing and received by April 30, 1979.

ADDRESS: Comments should be sent to the Secretary of the Board, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. They should include the Docket No. R-0201. The comments will be made available for inspection and copying upon request, except as provided in § 261.6(a) of the Board's Rules Regarding Avail-

ability of Information (12 CFR 261.6(a)).

**FOR FURTHER INFORMATION CONTACT:**

Ralph C. Maurer, Credit Specialist, Division of Federal Reserve Bank Operations, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 (202-452-3174).

**SUPPLEMENTARY INFORMATION:** Regulation V ("Loan Guarantees for Defense Production") sets forth the procedures and standards to be observed by Federal Reserve Banks in fulfilling their responsibilities as fiscal agents for those Government departments and agencies authorized to guarantee loans for national defense purposes. The regulation also sets forth the maximum rate of interest, guarantee fees, and commitment fees that may be charged for a guaranteed loan.

The Board has reviewed Regulation V as part of the Federal Reserve System's Regulatory Improvement Project, involving all of its regulations. In considering what changes to make, the Board has consulted the federal guaranteeing departments or agencies; namely, the Defense Logistics Agency, Department of Agriculture, Department of the Air Force, Department of the Army, Department of Commerce, Department of Energy, Department of the Interior, Department of the Navy, General Services Administration, National Aeronautics and Space Administration, and Nuclear Regulatory Commission.

The Board has decided to simplify and streamline the language of Regulation V and to incorporate into the regulation previously unpublished rules or rulings relating to the following:

(1) The eligibility of financing institutions in United States Territories or possessions to participate in the loan guarantee program;

(2) The standard forms that the Board has prescribed for the program;

(3) The basis for calculating the loan commitment fee;

(4) The conditions under which penalties may be charged for prepayment of a guaranteed loan; and

(5) The interest charges to guaranteeing agencies made by Federal Reserve Banks in advancing funds to purchase a guaranteed portion of a loan.

Moreover, the Board has decided to eliminate a fixed maximum interest rate for such loans and to adopt instead a maximum rate equal to the rate charged to the particular financing institution's most creditworthy business customers for loans of comparable maturity, thereby permitting the maximum rate of interest to adjust to market conditions.

The Board has also decided to grant discretionary authority to the guaranteeing agencies to increase the ceiling rate of interest (now set at 6 percent) that serves as the basis for calculating loan guarantee fees. This change will assure that the federal agencies will be able to cover the costs of administering the program. If the agencies exercise this authority, they would not be permitted to discriminate among loan applicants in imposing the higher charge.

The revised rules, of course, will apply only to future applications for loan guarantees.

The Federal Reserve System's Regulatory Improvement Project also involves an analysis of the costs and benefits of each regulation. The Board has found that, although a loan guarantee program was important during World War II and later conflicts, the amount of loans involved in the present V-loan program has declined significantly in recent years. During the 1960's the volume of guaranteed loans remained very low as defense contractors received financial support by means such as advance payments or unusual progress payments. Only six new loans have been approved since 1971; and, at present, authorization for loan guarantees by all departments or agencies is limited to a total of \$30 million. Despite this low level of activity, the guaranteeing functions and the fiscal agency functions are divided between executive departments or agencies and the Federal Reserve System.

These facts suggest that the loan guarantee program may have outlived its usefulness. Moreover, there may be more efficient or economical means of performing both guaranteeing and fiscal agency functions. For these reasons, the Board might consider recommending legislative or other changes in the V-loan program; and it invites comments that might serve as the basis for making such recommendations. In this connection, it is noted that the Defense Production Act of 1950 has been extended by Congress periodically since 1950 and will expire on September 30, 1979, unless extended again.

The procedures of section 553(b) of title 5, United States Code, regarding notice, public participation, and deferred effective date were not followed in connection with revision of Regulation V. The maximum rate of interest specified in the earlier version of Regulation V (i.e., 7½ per cent per annum) was outdated. Permitting the maximum rate of interest to adjust to current market conditions should facilitate the financing of contracts or other operations deemed necessary to national defense production. Simplification and consolidation of the Board's V-loan rules should also result

in immediate public benefits. For these reasons, among others, the Board finds that pursuing further rulemaking procedures and delaying implementation of the revised rules are unnecessary and would be contrary to the public interest, and that consultation with industry representatives is impracticable. Furthermore, section 709 of the Defense Production Act of 1950 (50 App. U.S.C. 2159) exempts functions exercised under the Act from the rulemaking requirements of the Administrative Procedure Act. In the light of these considerations, the Board also has not followed the expanded rulemaking procedures set forth in its policy statement of January 15, 1979 (44 F.R. 3957).

32A CFR Part 1505 (Regulation V) is revised effective February 20, 1979, to read as follows:

**PART 1505—LOAN GUARANTEES FOR DEFENSE PRODUCTION**

**Sec.**

1505.1 Authority, purpose, and scope.

1505.2 Processing of loan guarantee applications.

1505.3 Federal Reserve Bank fees and charges.

1505.4 Maximum rate of interest, guarantee fees, commitment fees, and prepayment penalties.

**AUTHORITY:** Sec. 302(c), Executive Order No. 10480 (3 CFR 1949-53 Comp., p. 962), implementing sec. 301, Defense Production Act of 1950 (50 App. U.S.C. 2091).

**§ 1505.1 Authority, purpose, and scope.**

(a) *Authority.* This part comprises the regulations of the Board of Governors of the Federal Reserve System (referred to in this part as the "Board") issued pursuant to Executive Order No. 10480 (3 CFR 1949-53 Comp., p. 962; reprinted as amended following 50 App. U.S.C. 2153 (1970)) (referred to in this part as the "Order"), implementing the Defense Production Act of 1950 (50 App. U.S.C. 2061 *et seq.* (1970)) (referred to in this part as the "Act").

(b) *Purpose and scope.* The purpose of the Act, the Order and this part is to facilitate the financing of contract or other operations deemed necessary to national defense production. This part applies to private financing institutions, located in the United States or in any of its Territories or possessions, that make loans for defense production that are guaranteed by the federal departments or agencies designated by the Act of Order\* (Commonly referred to as "V-loans").

**§ 1505.2 Processing of loan guarantee applications.**

(a) *Submission of applications.* Any private financing institution may

\*The names of the federal departments or agencies may be obtained from any Federal Reserve Bank.



submit to the Federal Reserve Bank of its District an application for a guarantee of a loan to a borrower determined to be eligible in accordance with the provisions of paragraph (b) of this section. The application form is available through the Federal Reserve Bank.

(b) *Determination of eligibility of borrower.* To be eligible for a V-loan, a borrower must be seeking financing for a contract, subcontract, or other operation deemed by the appropriate guaranteeing federal department or agency to be necessary to expedite production and deliveries or services under a Government contract for the procurement of materials or the performance of services for the national defense. A determination that the borrower is eligible shall be made by the guaranteeing department or agency on the basis of information contained in the loan guarantee application and any further information that it needs. No loan shall be guaranteed until that determination is made.

(c) *Lender's rates and fees.* No application for a loan guarantee shall be considered where the loan agreement is inconsistent with the rate of interest, guarantee fees, commitment fees, and prepayment penalties prescribed by the Board in § 1505.4 (the Supplement).

(d) *Consideration of applications.* Each application by a financing institution shall be subject to approval by the guaranteeing department or agency or, to the extent that the department or agency prescribes, by the Federal Reserve Bank to which the application is submitted.

(1) If a guaranteeing department or agency is to decide the application, the Federal Reserve Bank shall make a recommendation for action on the application before the department or agency acts. The Federal Reserve Bank shall transmit the application and its recommendation, together with all necessary supporting information, through the Board to that department or agency. If the department or agency approves the application and transmits its authorization through the Board on the Board's standard form, the Federal Reserve Bank, acting as fiscal agent of the United States on behalf of the department or agency, shall execute and deliver the guarantee (Board's standard "V-Loan Guarantee Agreement" form) to the applicant in accordance with the terms of the authorization.

(2) If a Federal Reserve Bank is to decide the application, it shall do so without submitting the application to the guaranteeing department or agency for prior approval; but the application shall be subject first to the department's or agency's determination of the borrower's eligibility. If the

Federal Reserve Bank approves the application, it shall execute and deliver the guarantee (Board's standard "V-Loan Guarantee Agreement" form) to the applicant and promptly notify the department or agency.

(e) *Basis of Federal Reserve Bank decision.* In making a recommendation or deciding an application as described in paragraph (d) of this section, a Federal Reserve Bank shall consider whether the financing arrangement affords the guaranteeing department or agency the best available protection against possible financial loss consistent with obtaining national defense production expeditiously.

(f) *Federal Reserve Bank liability.* In arranging for or making any guarantee on behalf of any guaranteeing department or agency, no Federal Reserve Bank shall have any responsibility or accountability except as fiscal agent.

(g) *Other forms and procedures.* From time to time the Board, after consulting guaranteeing departments or agencies, may prescribe other forms and procedures related to the V-loan program. These forms and procedural rules are to be made available through the Federal Reserve Banks.

#### § 1505.3 Federal Reserve Bank fees and charges.

Each Federal Reserve Bank shall be reimbursed by each guaranteeing department or agency in the usual manner for all expenses and losses incurred by the Reserve Bank in acting as agent on behalf of the department or agency. Regardless of any other provision of law, such expenses shall include attorneys' fees and expenses of litigation. If a Federal Reserve Bank advances its own funds to purchase a guaranteed portion of a loan, when authorized to do so as fiscal agent by the guaranteeing department or agency, it shall charge interest on its advances at the current regular discount rate.

#### § 1505.4 Maximum rate of interest, guarantee fees, commitment fees, and prepayment penalties.

The Board of Governors of the Federal Reserve System prescribes the following charges for loans guaranteed pursuant to the Defense Production Act of 1950 ("V-loans"):

(a) *Maximum rate of interest.* The maximum rate of interest rate of interest that a financing institution may charge a borrower for a V-loan is the rate that institution currently charges its most creditworthy business customers for loans of comparable maturity, unless the guaranteeing department or agency determines that the particular loan at a higher rate of interest is necessary for the purposes of the Defense Production Act of 1950.

(b) *Guarantee fees.* The schedule of fees for guaranteeing V-loans is as follows:

| Percentage of loan guaranteed: | Guarantee fee <sup>1</sup> |
|--------------------------------|----------------------------|
| 70 or less.....                | 10                         |
| 75 .....                       | 15                         |
| 80 .....                       | 20                         |
| 85 .....                       | 25                         |
| 90 .....                       | 30                         |
| 95 .....                       | 35                         |
| Over 95 .....                  | 40-50                      |

<sup>1</sup>Percentage of interest payable by borrower on guaranteed portion of loan.

In any case in which the rate of interest on the loan exceeds 6 per cent, the guarantee fee shall be computed as though the interest rate were 6 per cent. However, at its discretion, a guaranteeing department or agency may increase the 6 per cent ceiling rate to a higher rate (not to exceed the actual rate of interest charged); but if it does so, the policy in this regard must be applied consistently with respect to all applications received while the policy is in effect.

(c) *Commitment fees.* Any commitment fee charged a borrower for a V-loan shall not exceed ½ of 1 per cent per annum, based on the average daily unused balance of the maximum principal amount of the loan. That fee may not begin to accrue prior to the date on which the committed funds are first available to the borrower according to the terms of the loan agreement or other similar financing arrangement. In any such case, the financing institution shall pay to the guaranteeing department or agency, a percentage of the commitment fee (1) based on the guaranteed portion of the loan; and (2) equal to the percentage of the interest on the loan that is payable as a guarantee fee by the financing institution.

(d) *Prepayment penalties.* (1) In the case of a V-loan made primarily for working capital purposes, a financing institution may not charge a penalty for prepayment of the loan but may recover out-of-pocket expenses.

(2) In the case of a V-loan made for the purpose of financing facilities expansion, provision for a prepayment penalty may be made in the loan agreement if all of the following conditions are met:

(i) The loan has a maturity of 5 years or more;

(ii) The prepayment penalty shall not exceed the rate of interest to be paid by the borrower according to the terms of the loan;

(iii) Provision is made for a graduated decrease in the prepayment penalty as the loan approaches maturity; and

(iv) The loan agreement explicitly provides that the prepayment penalty shall not be applicable in the event the loan is refinanced by or consolidated with another loan that is made



or guaranteed by the federal government or any of its agencies.

*Effective date.* This revision is effective February 20, 1979.

Board of Governors of the Federal Reserve System, February 12, 1979.

THEODORE E. ALLISON,  
Secretary of the Board.

[FR Doc. 79-5212 Filed 2-16-79; 8:45 am]

[6560-01-M]

# Title 40—Protection of Environment

## CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

### SUBCHAPTER E—PESTICIDE PROGRAMS

[FRL 1062-8 PP 7F1913/R195]

## PART 180—TOLERANCES AND EX- EMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COM- MODITIES

### Metolachlor

AGENCY: Office of Pesticide Programs, Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes tolerances for residues of the herbicide metolachlor. The regulation was requested by Ciba-Geigy Corp. This rule establishes maximum permissible levels for residues of metolachlor on soybeans and in eggs; milk; and the meat, fat, and meat byproducts of cattle, goats, hogs, horses, poultry, and sheep.

EFFECTIVE DATE: February 20, 1979.

### FOR FURTHER INFORMATION CONTACT:

Ms. Willa Garner, Product Manager (PM) 23, Registration Division (TS-767), Office of Pesticide Programs, EPA, 401 M Street, SW, Washington, DC (202/755-1397).

SUPPLEMENTARY INFORMATION: On December 28, 1978, the EPA published a notice of proposed rulemaking in the FEDERAL REGISTER (43 FR 60624) in response to a pesticide petition (PP 7F1913) submitted to the Agency by Ciba-Geigy Corp., PO Box 11422, Greensboro, NC 27409. This petition proposed that 40 CFR 180.368 be amended by the establishment of tolerances for combined residues of the herbicide metolachlor (2-chloro-N-(2-ethyl-6-methylphenyl)-N-(2-methoxy-1-methylethyl) acetamide) and its metabolites determined as the derivatives 2-[(2-ethyl-6-methylphenyl)amino]-1-

propanol and 4-(2-ethyl-6-methylphenyl)-2-hydroxy-5-methyl-3-morpholinone, each expressed as parent metolachlor, in or on the raw agricultural commodities soybeans at 0.1 part per million (ppm) and eggs; milk; and the meat, fat, and meat byproducts of cattle, goats, hogs, horses, poultry, and sheep at 0.02 ppm. (The tolerance of 0.1 ppm on soybeans was inadvertently omitted from the table in the proposed regulation and is reinstated herein.) No requests for referral to an advisory committee were received in response to this notice of proposed rulemaking.

One comment was received stating that monochloroacetic acid, a food adulterant, and 2-ethyl-6-methylaniline, a suspect carcinogen, may occur as metabolites in plants. In light of the previously evaluated data and having considered newly submitted data, the Agency concludes that no detectable residues of these metabolites are reasonably expected in soybeans from the proposed use.

It has been concluded, therefore, that the proposed amendment to 40 CFR 180.368 should be adopted and it has been determined that this regulation will protect the health.

Any person adversely affected by this regulation may, on or before March 22, 1979, file written objections with the Hearing Clerk, Environmental Protection Agency, Rm. M-3708, 401 M St., SW, Washington, DC 20460. Such objections should be submitted and specify the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Effective February 20, 1979, Part 180, Subpart C, § 180.368 is amended by adding tolerances for residues of metolachlor in or on soybeans at 0.1 ppm and eggs; milk; and the meat, fat, and meat byproducts of cattle, goats, hogs, horses, poultry, and sheep at 0.02 ppm as set forth below.

(Section 408(e) of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 346a(e)])

Dated: February 13, 1979.

EDWIN L. JOHNSON,  
Deputy Assistant Administrator  
for Pesticide Programs.

Part 180, Subpart C, § 180.368 is revised in the introductory paragraph and the table to read as follows:

§ 180.368 Metolachlor; tolerances for residues.

Tolerances are established for combined residues of the herbicide metolachlor (2-chloro-N-(2-ethyl-6-methylphenyl)-N-(2-methoxy-1-methylethyl)acetamide) and its meta-

bolites, determined as the derivatives, 2-[(2-ethyl-6-methylphenyl) amino]-1-propanol and 4-(2-ethyl-6-methylphenyl)-2-hydroxy-5-methyl-3-morpholinone, each expressed as the parent compound in or on the following raw agricultural commodities:

| Commodity:             | Parts per million |
|------------------------|-------------------|
| Cattle, fat            | 0.02              |
| Cattle, mbyp           | 0.02              |
| Cattle, meat           | 0.02              |
| Corn, grain (exc. pop) | 0.1               |
| Eggs                   | 0.02              |
| Goats, fat             | 0.02              |
| Goats, mbyp            | 0.02              |
| Goats, meat            | 0.02              |
| Hogs, fat              | 0.02              |
| Hogs, mbyp             | 0.02              |
| Hogs, meat             | 0.02              |
| Horses, fat            | 0.02              |
| Horses, mbyp           | 0.02              |
| Horses, meat           | 0.02              |
| Milk                   | 0.02              |
| Poultry, fat           | 0.02              |
| Poultry, mbyp          | 0.02              |
| Poultry, meat          | 0.02              |
| Sheep, fat             | 0.02              |
| Sheep, mbyp            | 0.02              |
| Sheep, meat            | 0.02              |
| Soybeans               | 0.1               |

[FR Doc. 79-5273 Filed 2-16-79; 8:45 am]

[6712-01-M]

# Title 47—Telecommunication

## CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

### PART 1—PRACTICE AND PROCEDURE

#### Editorial Amendment Concerning FCC Form 701

AGENCY: Federal Communications Commission.

ACTION: Deletion of reference to FCC Form 701.

SUMMARY: FCC Form 701, Application for Additional Time to Construct Radio Station, has been obsolete in the Safety and Special Radio Services since July 1969, at which time the Commission waived any construction permit in those services. Therefore, reference to it in § 1.922 is now deleted.

EFFECTIVE DATE: February 21, 1979.

ADDRESS: Federal Communications Commission, Washington, D.C.

### FOR FURTHER INFORMATION CONTACT:

Newton B. Jaslow, Safety and Special Radio Services Bureau, Phone: (202) 632-7511.

Adopted: February 6, 1979.

Released: February 6, 1979.

In the Matter of Amendment of § 1.922 of the Commission's Rules with respect to forms to be used in the Safety and Special Radio Services.

1. Section 1.922 of the Commission's Rules is a list of the forms to be used in the Safety and Special Radio Services. One of the forms listed is FCC 701, Application for Additional Time to Construct Radio Station. The form was adopted for use by a construction permit holder in seeking additional time for construction completion.

2. By amendment of § 1.923 effective July 14, 1969, (FCC 69-636), 34 F.R. 9282) the Commission waived any construction permit requirement for stations in the Safety and Special Radio Services and none are issued. Thus, Form 701 is not used in the Safety and Special Radio Services.

3. Accordingly, *It is ordered*, That the reference to FCC Form 701 in § 1.922 is hereby deleted, effective February 21, 1979, pursuant to the authority contained in Sections 4(i) and 5(d) of the Communications Act of 1934, as amended, and § 0.11 of the Commission's Rules.

4. The amendment adopted herein is editorial and nonsubstantive in nature. The prior notice and effective date provisions of 5 U.S.C. Section 553 are therefore not applicable.

5. For further information contact Newton P. Jaslow, Federal Communications Commission, Washington, D.C. 20554. Phone: (202) 632-7211.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; 47 U.S.C. 154, 155, 303.)

FEDERAL COMMUNICATIONS  
COMMISSION,  
RICHARD D. LICHTWARDT,  
*Executive Director.*

[FR Doc. 79-5256 Filed 2-16-79; 8:45 am]

[6712-01-M]

#### PART 90—PRIVATE LAND MOBILE RADIO SERVICES

**Designating 471.5875 MHz as a New Starting Point for Assigning Frequencies in the Business Radio Service in the Miami, Fla. Metropolitan Area in the 470-512 MHz Band**

AGENCY: Federal Communications Commission.

#### ACTION: Order.

**SUMMARY:** This order establishes a new starting point for assigning frequencies in the business radio service in the Miami, Florida Metropolitan Area in the 470-512 MHz band. The purpose of this action is to make additional frequencies available for the business radio service in Miami.

**EFFECTIVE DATE:** February 21, 1979.

**ADDRESS:** Federal Communications Commission, Washington, D.C. 20554.

#### FOR FURTHER INFORMATION CONTACT:

Arthur C. King, Industrial and Public Safety Rules Division, Safety and Special Radio Services Bureau, Telephone: (202) 632-6497.

#### SUPPLEMENTARY INFORMATION:

Adopted: February 2, 1979.

Released: February 8, 1979.

In the Matter of the designation of 471.5875 MHz as a new starting point for assigning frequencies in the Business Radio Service in the Miami, Florida metropolitan area in the 470-512 MHz band.

1. In the Fifth Report and Order in Docket 18261 the Commission provided a flexible frequency assignment plan for the 470-512 MHz band frequencies available in Dallas and Houston, Texas, and in Miami, Florida. *Land Mobile/UHF-TV Sharing Plan*, 48 FCC 2d 360 (1974). In Paragraph 12 of that Report and Order, the Commission said, " \* \* \* since all of the frequencies are to be available in all eligible radio services, the frequencies in which the first assignments are to be made do not necessarily set out the boundaries for frequency availability in a particular radio service. A new starting frequency may be assigned by the staff for any of the various groups when the frequencies available to it in sequence are exhausted. Also, should any group fail to use its assigned frequency, that base line may be moved." *Land Mobile/UHF-TV Sharing Plan*, *supra*, at p. 364.

2. The frequencies available in sequence in the Business Radio Service in Miami in the 470-512 MHz band are now occupied and are substantially loaded. Therefore, in accordance with Paragraph 12 of the Report and Order in Docket 18261, an additional starting point is being established. That starting frequency will be 471.5875 MHz. Assignments will be made sequentially in ascending and descending order from this frequency until all available contiguous channels are occupied.

3. This action is taken pursuant to the authority contained in Section 4(i) of the Communications Act of 1934, as amended, and to authority delegated by the Commission in the *Fifth Report and Order* in Docket 18261 previously cited. The amendment of § 90.311(b)(4) is for conformity with substantive matters which are being implemented herein. Therefore, compliance with the prior notice requirements prescribed by 5 U.S.C. 553 is unnecessary.

4. *Accordingly, it is ordered*, That effective February 21, 1979, § 90.311(b)(4) of the Commission's rules is amended as shown below.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303.)

CARLOS V. ROBERTS,  
*Chief, Safety and Special  
Radio Services Bureau.*

Part 90 Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

Section 90.311(b)(4) is amended to read as follows:

#### § 90.311 Frequencies.

(b) \* \* \*

(4) Base station frequencies for the Business Radio Service will be assigned serially beginning at 472.3625 MHz and 471.5875 MHz for Miami, 483.6125 MHz and 484.3625 MHz for Dallas, and 489.3625 MHz and 489.6625 MHz for Houston and progressing, a channel at a time, upward and downward from those points.

[FR Doc. 79-5168 Filed 2-16-79; 8:45 am]

# proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

[3410-05-M]

## DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 724]

FIRE-CURED (TYPES 21-24) AND DARK AIR-CURED (TYPES 35 AND 36) TOBACCOS

### Referendums

AGENCY: Agricultural Stabilization and Conservation Service, USDA.

ACTION: Notice of referendums.

SUMMARY: This document announces marketing quota referendums to be conducted for the next three marketing years for fire-cured and dark air-cured tobacco.

DATES: February 20 to February 23, 1979.

ADDRESS: Acting Director, Price Support and Loan Division, Agricultural Stabilization and Conservation Service, USDA, Room 3745, South Building, P.O. Box 2415, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT:

Robert Tarczy, (202) 447-7601.

SUPPLEMENTARY INFORMATION: Notice is hereby given that on February 20 to February 23, 1979, each inclusive, separate referendums will be held of farmers engaged in the production of the 1978 crop of fire-cured (types 21-24) tobacco and dark air-cured (types 35 & 36) tobacco. Notice was given (43 FR 59847) that consideration would be given to data, views and recommendations in establishing the 1979 national acreage allotments, the national reserves, the date or period for holding the referendums and whether the referendums should be conducted at polling places rather than by mail ballot. None of the comments received made reference to the period or the method of holding the referendums.

It is hereby determined that these referendums will be held by mail ballot during the period February 20-23, 1979, inclusive. The purpose of these referendums is to determine whether fire-cured (types 21-24) tobacco and dark air-cured (types 35 &

36) tobacco farmers are in favor or opposed to marketing quotas for the 1979-80, 1980-81, and 1981-82 marketing years. The referendums will be conducted in accordance with the provisions of the Act (7 U.S.C. 1312(c)) and the regulations contained in 7 CFR Part 717.

Signed at Washington, D.C. on February 9, 1979.

S. N. SMITH,

Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 79-5295 Filed 2-16-79; 8:45 am]

[3410-05-M]

[7 CFR Part 730]

### 1979 RICE PROGRAM

Determinations Regarding 1979-Crop Rice Set-Aside Program and Land Diversion Payments

AGENCY: Agricultural Stabilization and Conservation Service.

ACTION: Final determination.

SUMMARY: The purpose of this determination is to determine with respect to the 1979-crop of rice that there will be no set-aside program and no land diversion payments. These determinations are required to be made by the Secretary in accordance with provisions of Section 101(h) of the Agricultural Act of 1949, as amended by the Food and Agriculture Act of 1977.

EFFECTIVE DATE: February 16, 1979.

ADDRESSES: Production Adjustment Division, ASCS, USDA, 3630 South Building, P.O. Box 2415, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT:

George H. Schaefer, (ASCS) (202) 447-8480.

SUPPLEMENTARY INFORMATION:

A notice that the Secretary was preparing to make determinations with respect to these provisions was published in the FEDERAL REGISTER on December 12, 1978, (43 FR 58094) in accordance with 5 U.S.C. 553. In response to the notice, 104 comments were received concerning the set-aside program of which 55 did not favor a

set-aside program and 49 favored a set-aside program, with most of these favoring a 20 percent set-aside program, provided the set-aside program would apply to all rice producers. There were 18 comments on the land diversion payment program of which 13 did not favor a land diversion payment and 5 responding that such payments should be made.

Accordingly, the Secretary has made the following determinations:

### DETERMINATIONS

1. *Set-aside requirement.* It is hereby determined that there will be no set-aside requirement for the 1979-crop rice program. Without a set-aside program, it is expected that rice acreage in 1979 will be about 2.7 million acres. Production would likely be about 124 million hundredweights. Total supply is estimated at about 179 million hundredweights. Domestic consumption and exports are estimated at 117 million hundredweights, which would result in carryover stocks of about 62 million hundredweights. Although the 1979 estimated total supply and carryover stocks reflect an increase compared to the estimated 1978 estimated total supply of 165 million hundredweights and estimated carryover of 54 million hundredweights, they are not considered to be excessive. Should adverse weather conditions prevail, the 1979 estimated total supply and carryover stocks could be substantially reduced. For these reasons, it has been determined that a rice set-aside program is not needed in 1979.

2. *Land diversion payments.* It is hereby determined that there will be no land diversion payments under the 1979-crop rice program in view of the fact that the determination has been made that no set-aside program is required.

NOTE.— The final Impact Statement will be available from George H. Schaefer (ASCS), 202-447-8480 after February 20, 1979.

NOTE.— This regulation has been determined significant under the USDA criteria implementing Executive Order 12044.

Signed at Washington, D.C. on February 12, 1979.

BOB BERGLAND,  
Secretary.

[FR Doc. 79-5147 Filed 2-16-79; 8:45 am]

[7590-01-M]

# NUCLEAR REGULATORY COMMISSION

[10 CFR Parts 19 and 20]

## NOTICES, INSTRUCTIONS, AND REPORTS TO WORKERS: INSPECTION STANDARDS FOR PROTECTION AGAINST RADIATION

### Proposed Rule

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Proposed Rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is proposing amendments to its regulations that would eliminate the accumulated dose averaging formula, 5(N-18), and the associated Form NRC-4 exposure history, and impose annual dose-limiting standards while retaining quarterly standards. Related amendments would express, in terms of the new annual standards, the standard for dose to minors, the requirements for the provision of personnel monitoring equipment, and the requirements for control of total dose to all workers including transient and moonlighting workers.

DATES: Comment period expires April 23, 1979.

ADDRESSES: Written comments should be submitted to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch.

### FOR FURTHER INFORMATION CONTACT:

Mr. Robert E. Alexander, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 (phone 301-443-5975).

SUPPLEMENTARY INFORMATION: The Commission's basic radiation dose-limiting standards for workers are set forth in 10 CFR Part 20. The current standards for whole body exposure of adult workers are:

- (1) 1.25 rems per calendar quarter, or
- (2) 3 rems per calendar quarter provided that the lifetime accumulated dose does not exceed 5(N-18) rems, where N is the age of the individual in years.

These standards were based on recommendation of the National Council on Radiation Protection and Measurements (NCRP), the International Commission on Radiological Protection (ICRP), and guidance for Federal agencies issued by the former Federal Radiation Council (FRC, the function of which is now incorporated into the Environmental Protection Agency).

The present Commission action is based on assessment of the need for the 5(N-18) dose-averaging formula which allows a worker to receive up to 12 rems per year. The assessment is being performed because of the desire of the Commission to reduce the risks of occupational radiation doses in Commission-licensed activities, the Commission's continuing systematic assessment of exposure patterns, and new recommendations of the International Commission on Radiological Protection which eliminate quarterly dose-limiting standards and the use of the 5(N-18) formula for controlling the allowable cumulative lifetime dose up to age N.

The Commission, taking into account recently published interpretations of epidemiological data and associated recommendations for lower standards, and also in response to petitions for rule making to lower the dose standards filed by the Natural Resources Defense Council (NRDC) and by Dr. Rosalie Bertell, has determined that a hearing should be held on the adequacy of present occupational radiation dose-limiting standards. This hearing will be the subject of a separate FEDERAL REGISTER notice. It is tentatively scheduled to be held in the spring of 1979.

The Commission believes that the rule changes proposed in this notice have benefit from the standpoint of radiation protection for workers. For example, deletion of the formula, 5(N-18), could have reduced the radiation dose of some 320 individuals who received more than 5 rems during 1977. In addition, it could cause some licensees to take further action to reduce occupational doses. For these reasons the Commission believes that these changes should be proposed for comment at this time, without waiting for the planned hearing. Nevertheless, comments on the desirability of including these proposed rule changes within the scope of the planned hearing are specifically invited.

Specifically, the Commission is proposing to amend § 20.101(b), 10 CFR Part 20, to delete the provision that a licensee may permit an individual worker to receive up to 3 rems per calendar quarter and 12 rems per year if the accumulated lifetime radiation dose does not exceed the 5(N-18) dose-averaging formula.

The ICRP (ICRP Publication 26, "Recommendations of the International Commission on Radiological Protection," January 17, 1977, Pergamon Press) has indicated that the 5(N-18) formula should no longer be used. This formula was originally intended to be used only in special cases for which the additional dose could be justified. Data available to the Commission reveal that approximately 320

(less than 0.5%) of the individuals participating in NRC-licensed activities in 1977 received doses exceeding 5 rems and, therefore, required use of the dose-averaging formula. Elimination of the use of the formula would have little effect on the collective (man-rem) dose, but the individual risk could be reduced for approximately 320 people (1977 data).

The Commission is also proposing to amend § 20.101 to establish annual (calendar year) standards for radiation dose. These annual standards would have the same values as would apply over four calendar quarters under the existing 1.25 rems per quarter standard. A definition of calendar year would be added to § 20.3. Quarterly dose standards would be retained, but the standard for the whole body would be changed from 1.25 to 3 rems, with no requirement for obtaining the individual's occupational dose history. Some licensees occasionally need the flexibility provided by the 3 rems per calendar quarter standard in order to accomplish essential work involving high dose rates. If this flexibility were removed, there could be a desirable effect in that new facilities and/or equipment might be designed to meet the lower dose standard. However, it is very likely that existing licensees would use extra workers in order to accomplish essential work rather than backfitting engineering controls to reduce dose rates and working times. Thus, the collective dose would not be lowered and might be increased. Informed members of the scientific community, as evidenced by ICRP recommendations, believe that, for annual doses on the order of 5 rems, there is little or no biological advantage, except for an embryo or fetus, in limiting the rate at which the dose is received. From this viewpoint, no quarterly standards are needed in 10 CFR Part 20. However, the Commission staff believes that quarterly standards with associated requirements for reporting doses that exceed those standards are necessary as precautionary measures which give early indication of possible undesirable situations and provide NRC the opportunity to investigate those situations, if necessary to ensure that they are promptly corrected and that adequate measures are taken to preclude recurrence. At the same time, the quarterly standard proposed, i.e., 3 rems per calendar quarter whole body, is considered by the Commission to be adequately low for effective regulatory control when considered in conjunction with the other standards and controls set forth in the regulations. Comments on the desirability of retaining quarterly dose-limiting standards are specifically invited.

In addition to the proposed amendments discussed above, several other sections of the regulations would be changed, primarily to accommodate the proposed annual dose-limiting standards.

1. The undesignated center heading preceding §§ 20.101 through 20.108 which now reads "Permissible Doses, Levels, and Concentrations" would be amended to read "Radiation Protection Standards Applicable to Doses, Levels and Concentrations" thus removing the word "permissible." The recommendations of the NCRP, ICRP, and FRC (EPA), as implemented in the NRC regulations, are not intended to imply that doses above the standard are unsafe and that doses below the standard are safe. Consideration of the linear hypothesis<sup>1</sup> indicates that some risk is associated with any dose of radiation, nowever small. In view of this hypothesis the NRC places emphasis on the concept of making all reasonable efforts to maintain radiation doses as low as is reasonable achievable. However, it is essential to establish standards which are the basis for regulating the affected industry. The Commission believes that the proposed wording more clearly reflects the intent and philosophy of these sections of the regulations.

2. On February 6, 1978, the Commission published in the FEDERAL REGISTER (43 FR 4865) proposed amendments to its regulations which would require licensees to control the total occupational dose received by their workers, rather than just the dose received from sources in their possession or control. These amendments have not yet been published as effective rule changes. Certain of the amendments in this notice would affect the same sections of the regulations that were involved in proposed amendments published February 6, 1978 (43 FR 4865). As explained below, the Commission plans to proceed with its deliberations on the changes proposed in February 1978, and, if found to be warranted, to amend these sections again after a decision is made regarding the 5(N-18) formula. The amendments proposed in February 1978 would delete the existing § 20.102(a) which contains introductory material regarding the determination of accumulated dose using the 5(N-18) formula. This introductory material would have been added to § 20.102(b). Paragraphs 20.102(b) and 20.102(c) would have remained unchanged otherwise. A new § 20.102(a) would have been added to require licensees to obtain in-

formation on the occupational dose received by an individual in the current calendar quarter from sources of radiation possessed or controlled by other persons. The amendments proposed in February 1978, if made effective, would not have affected licensees who use the 5(N-18) formula (except with respect to the use of moonlighters) because they already obtain each worker's radiation exposure history.

Elimination of the use of the 5(N-18) formula, as proposed in this present notice, would remove the need for obtaining the total occupational radiation exposure history, and would permit deletion from the regulations §§ 20.102(b) and 20.102(c).<sup>2</sup> The proposed provisions in § 20.102(a) published in February 1978 would be retained, but would be redesignated as § 20.102 (to delete reference to paragraph (a)), and would be changed to state the requirements in terms of both annual and quarterly standards. Comparably, the new § 19.13(e), 10 CFR Part 19, proposed in February 1978 which would require licensees to provide at termination of employment or work assignment in the licensee's restricted areas, upon request of the individual worker, estimates of the dose received by the individual in the licensee's restricted area during the termination quarter, would be changed to require provision of the dose data for the terminating quarter and year. The effect of the rule would be unchanged for an individual working in a licensee's restricted area for less than calendar quarter (transient).

The period provided for the submission of comments on the proposed amendments published February 6, 1978, expired on April 7, 1978. The Commission will proceed with consideration of the comments and other factors related to those amendments on their merits, and will not delay final determination of those amendments solely because of the involvement of several of the same sections of the regulations in the amendments being proposed at this time. The amendments proposed in this present action would not make substantive changes in the portions of the regulations already under consideration, but would express essentially the same standards in terms of annual standards, or percentage thereof, rather than in terms of quarterly standards.

3. Section 20.104, establishing the standards to be applicable to external doses to minors, would be amended only to express the quarterly standards in terms of a percentage of the adult annual standards. The numerical

value of the dose standard would remain unchanged. The Commission does not wish to encourage the employment of minors in work involving potential for radiation dose. The standards for minors would be quarterly pro-rating of the 0.5 rem per year recommended by NCRP and ICRP for individual members of the population.

4. The requirements for the provision of personnel monitoring equipment currently specified in § 20.202, 10 CFR Part 20, apply if an individual worker is likely to receive a dose in excess of 25 percent of the quarterly standards now set forth in § 20.101(a). Because of the proposed amendments to § 20.101(a) to specify annual standards as well as a quarterly standard for the whole body that is more than one-fourth of the annual standard, and because there is no basis for relaxing personnel monitoring requirements, the requirements would be specified as percentages of the proposed annual standards and would result in numerical values equal to or slightly lower than the existing requirements. The Commission believes that the minor change would have negligible impact on the number of individuals for whom personnel monitoring is performed.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and section 553 of title 5 of the United States Code, notice is hereby given that adoption of the following amendments to 10 CFR Parts 19 and 20 is contemplated. All interested persons who desire to submit written comments or suggestions for consideration in connection with the proposed amendments should send them to the Secretary of the Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch By April 23, 1979. Copies of the comments on the proposed amendments may be examined at the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C.

1. In § 19.13, 10 CFR Part 19, a new paragraph (e) is added to read as follows:

§ 19.13 Notifications and reports to individuals.

(e) At the request of a worker who is terminating employment with the licensee in work involving radiation dose, or of a worker who, while employed by another person, is terminating assignment to work involving radiation dose in the licensee's facility, each licensee shall provide to each such worker, or to the worker's designee, at termination, a written report regarding that worker's radiation dose during each specifically identified cal-

<sup>1</sup>The linear hypothesis assumes that the biological effects of ionizing radiation delivered at low doses and low dose rates, can be conservatively predicted by linear extrapolation (to zero dose) of effects that have been observed following exposure at high doses and high dose rates.

<sup>2</sup>Deletion of the requirement for the history, if made effective, would not constitute authority to dispose of the Form NRC-4, or equivalent records that have been generated under the existing regulations.

endar quarter of the terminating calendar year or fraction thereof, or provide an estimate of those doses if the finally determined personnel monitoring results are not available at that time. Estimated doses shall be clearly indicated as such.

2. Section 20.3(a) of 10 CFR Part 20 is amended by adding immediately following subparagraph (4) a new subparagraph (4a) to read as follows:

#### § 20.3 Definitions.

(a) As used in this part:

(4a) "Calendar year" means four consecutive calendar quarters starting with the calendar quarter which begins in January.

3. The undesignated center heading preceding § 20.101, 10 CFR Part 20, is amended to read "Radiation Protection Standards Applicable to Doses, Levels, and Concentrations."

4. Section 20.101, 10 CFR Part 20, is revised to read as follows:

#### § 20.101 Radiation protection standards for individuals in restricted areas.

Except as provided in § 20.104, no licensee shall possess, use, or transfer licensed material in such a manner as to cause any individual in a restricted area to receive in any period of one calendar quarter or one calendar year from radioactive material and other sources of radiation a total dose in excess of the standards specified in the following table:

|   | Rems per<br>calendar<br>quarter | Rems per<br>calendar<br>year |
|---|---------------------------------|------------------------------|
| 1. Whole body, head and trunk; active blood-forming organs; lens of eyes; or gonads ..... | 3                               | 5                            |
| 2. Hands and forearms; feet and ankles .....  | 18%                             | 75                           |
| 3. Skin of whole body .....   | 7½                              | 30                           |

5. Section 20.102, 10 CFR Part 20, is revised to read as follows:

#### § 20.102 Determination of prior dose.

Each licensee shall require any individual, prior to first entry of the individual into the licensee's restricted area during each employment or work assignment under such circumstances that the individual will receive or is likely to receive in any period of one calendar quarter a dose in excess of 5 percent of the applicable annual standards specified in § 20.101, to disclose in a written, signed statement, either, (a) that the individual had no prior dose during the current calendar year, or (b) the nature and amount of

any dose which the individual may have received during each specifically identified calendar quarter of the current calendar year from sources of radiation possessed or controlled by other persons. Each licensee shall maintain records of such statements until the Commission authorizes their disposition.

6. In § 20.104, 10 CFR Part 20, paragraph (a) is amended to read as follows:

#### § 20.104 Exposure of minors.

(a) No licensee shall possess, use or transfer licensed material in such a manner as to cause any individual within a restricted area who is under 18 years of age to receive in any period of one calendar quarter from radioactive material and other sources of radiation a dose in excess of 2.5 percent of the annual standards specified in the table in § 20.101.

7. In § 20.202, 10 CFR Part 20, paragraphs (a)(1) and (a)(2) are amended to read as follows:

#### § 20.202 Personnel monitoring.

(a) Each licensee shall supply appropriate personnel monitoring equipment to, and shall require the use of such equipment by:

(1) Each individual 18 years of age or older who enters a restricted area under such circumstances that the individual receives, or is likely to receive, a dose in any calendar quarter in excess of 5 percent of the annual standards specified in § 20.101.

(2) Each individual under 18 years of age who enters a restricted area under such circumstances that the individual receives, or is likely to receive, a dose in any calendar quarter in excess of 1.25 percent of the annual standards specified in § 20.101.

(Sec. 161, Pub. L. 83-703, 68 Stat. 948 (42 U.S.C. 2201), sec. 201 as amended, Pub. L. 93-438, 88 Stat. 1242 (42 U.S.C. 5841))

Dated at Washington, D.C. this 13th day of February, 1979.

For the Nuclear Regulatory Commission:

SAMUEL J. CHILK,  
Secretary of the Commission.

[FR Doc. 79-5265 Filed 2-16-79; 8:45 am]

[6405-01-M]

## DEPARTMENT OF ENERGY

Economic Regulatory Administration

[10 CFR Parts 500, 501, 502, 503, and 505]

[Docket No. ERA-R-78-19]

### SYMPOSIUM-HEARING ON PROPOSED RULES TO IMPLEMENT THE POWERPLANT AND INDUSTRIAL FUEL USE ACT OF 1978

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of Symposium-Hearing.

SUMMARY: The Economic Regulatory Administration (ERA) hereby announces that a symposium-hearing on the Proposed Rules for Implementation of the Powerplant and Industrial Fuel Use Act of 1978 (FUA) will be held on March 2, 1979, and if required, March 3, 1979, in Lexington, Kentucky. Procedures governing the conduct of this symposium-hearing are presented with this Notice. This symposium-hearing replaces the Lexington hearing, notice of which was published in the FEDERAL REGISTER (44 FR 3721, January 18, 1979, and 44 FR 5808, January 29, 1979).

DATES: Symposium-hearing will be held at 9:00 a.m. on March 2, 1979, and if required, March 3, 1979.

ADDRESS: The Kentucky Center for Energy Research, Administration Building, Iron Works Pike, Lexington, Kentucky.

#### FOR FURTHER INFORMATION CONTACT:

William L. Webb (Office of Public Information), Economic Regulatory Administration, Department of Energy, Room B-110, 2000 M Street, NW., Washington, D.C. 20461, (202) 634-2170.

Stephen M. Stern (Regulations and Emergency Planning), Economic Regulatory Administration, Department of Energy, Room 2130, 2000 M Street, NW., Washington, D.C. 20461, (202) 632-6621.

Robert Davies (Fuels Regulation-Program Office), Economic Regulatory Administration, Department of Energy, Room 7202, 2000 M Street, NW., Washington, D.C. 20461, (202) 254-3910.

James H. Heffernan (Office of General Counsel), Department of Energy, Room 6144, 12th & Pennsylvania Avenue, NW., Washington, D.C. 20461, (202) 633-9296.

SUPPLEMENTARY INFORMATION: Conservation of scarce energy resources through encouragement of greater coal and alternate fuel use in place of imported petroleum and natu-



ral gas is the primary concern of ERA in its proposed rules for implementation of FUA (43 FR 53974, November 17, 1978; 44 FR 1695, January 18, 1979; and 44 FR 5809, January 29, 1979). In an effort to promote public awareness of technologies, ERA, in conjunction with the Kentucky Department of Energy, will hold a symposium-hearing covering the state-of-the-art technology in coal utilization. The symposium-hearing will be held at the Kentucky Center for Energy Research in Lexington, Kentucky.

**Conduct of the Symposium-hearing.** The symposium will consist of two panels comprised of experts drawn from the University of Kentucky and the Kentucky Department of Energy. The topics to be addressed are: Combustion Technology and Conversion Processes. The Honorable Wendell Ford, United States Senator, from Kentucky will keynote the symposium. The Honorable Julian A. Carroll, Governor of Kentucky, will introduce the panel, and the Secretary of the Kentucky Department of Energy will chair the symposium. After the formal presentations by the panels the Secretary will open the session for public questions and general discussion.

The hearing will begin immediately following the symposium. The procedures governing the conduct of the hearing will be in accordance with those published in the January 29, 1979 FEDERAL REGISTER (44 FR 5808).

A transcript of the symposium-hearing will be made and the entire record of the symposium-hearing including the transcript, will be retained by the ERA and made available for inspection at the ERA Office of Public Information, Room B110, 2000 M Street, NW., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. You may purchase a copy of the transcript of the symposium-hearing from the reporter.

Issued in Washington, D.C., February 13, 1979.

DAVID J. BARDIN,  
Administrator, Economic  
Regulatory Administration.

[FR Doc. 79-5281 Filed 2-15-79; 10:03 am]

[4910-13-M]

## DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 78-EA-991]

### AIRWORTHINESS DIRECTIVES

Pratt & Whitney Aircraft of Canada, Ltd.

AGENCY: Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of Proposed Rulemaking.

**SUMMARY:** This notice proposes to adopt an airworthiness directive (AD) applicable to Pratt & Whitney Aircraft of Canada, Ltd. PT6T-3 and PT6T-6 aircraft engines. The AD would require the installation of a P3 air filter in the P3 air sense line. The NPRM is necessary to prevent an overspeed condition due to contaminated air.

**DATES:** Comments must be received on or before April 2, 1979.

**ADDRESSES:** Send comments on the proposal in triplicate to: Chief, Engineering and Manufacturing Branch, AEA-210, Eastern Region, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, New York 11430. The docket may be examined at the following location: FAA, Office of Regional Counsel, AEA-7, Federal Building, J.F.K. International Airport, Jamaica, New York 11430. Service Bulletins may be acquired from the manufacturer at Pratt & Whitney Aircraft of Canada, Ltd., P.O. Box 10, Longueuil, Quebec, Canada J4K 4X9. A copy of each service bulletin is contained in the docket.

### FOR FURTHER INFORMATION CONTACT.

John Kiselica, Propulsion Section, AEA-214, Engineering and Manufacturing Branch, Federal Building, J.F.K. International Airport, Jamaica, New York 11430; Tel. 212-995-2894.

**SUPPLEMENTARY INFORMATION:** Interested parties may participate in the proposed rulemaking by submitting such written data, views or discussions as they may desire. Communications should identify the docket number and be submitted in triplicate to the Director, Eastern Region. Attention: Chief, Engineering and Manufacturing Branch, Federal Building, J.F.K. International Airport, Jamaica, New York 11430. All communications received on or before April 2, 1979, will be considered before action is taken on the proposed amendment. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Chief, Engineering and Manufacturing Branch, AEA-210, Eastern Region, Federal Aviation Administration, Federal Building, Jamaica, New York 11430, or by calling (212) 995-2894.

### THE PROPOSED AMENDMENT

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR Part 39) by issuing a new airworthiness directive as follows:

Applies to Pratt & Whitney Aircraft of Canada, Limited PT6T-3 power sections prior to serial number CP-PS 61324 and PT6T-6 power sections prior to serial number CP-PS 72321.

Compliance required within the next 3000 hours in service after the effective date of this AD, unless already accomplished.

To preclude automatic fuel control contamination install the Pe air filter and associated parts in accordance with Paragraph 2, Accomplishment Instructions in Pratt & Whitney Aircraft of Canada, Ltd. Engine Service Bulletin No. 5124 thru Revision 3 or approved equivalent procedures and parts.

Equivalent procedures and parts must be approved by the Chief, Engineering and Manufacturing Branch of the Eastern Region of the Federal Aviation Administration (FAA).

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421, 1423, 1431(b)); sec. 6(c), Department of Transportation Act, (49 U.S.C. 1655(c)) 14 CFR 11.85.)

**NOTE:**—The FAA has determined that this document involves a proposed regulation which is not considered to be significant under the procedures and criteria prescribed by Executive Order 12044 and as implemented by Interim Department of Transportation guidelines (43 FR 9582; March 8, 1976).

Issued in Jamaica, New York, on February 6, 1979.

L. J. CARDINALI,  
Acting Director,  
Eastern Region.

[FR Doc. 79-5200 Filed 2-16-79; 8:45 am]

[4910-13-M]

[14 CFR Part 71]

[Airspace Docket No. 79-WE-31]

### DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIR SPACE, AND REPORTING POINTS

Proposed Designation of Control Zone, San Luis Obispo, California

AGENCY: Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of Proposed Rulemaking.

**SUMMARY:** This notice proposes to designate a control zone for the San Luis Obispo County Airport, San Luis Obispo, California. This action will provide controlled airspace for aircraft making instrument approaches to the San Luis Obispo County Airport.

**DATES:** Comments must be received on or before March 19, 1979.

**ADDRESSES:** Send comments on the proposal to: Federal Aviation Administration, Chief, Airspace and Procedures Branch, AWE-530, 15000 Aviation Boulevard, Lawndale, California 90261.

The official docket may be examined at the following location: Federal Aviation Administration, Office of the Regional Counsel, AWE-7, 15000 Aviation Boulevard, Lawndale, California, 90261.

An informal docket may be examined at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division, 15000 Aviation Boulevard, Lawndale, California 90261.

**FOR FURTHER INFORMATION CONTACT:**

Thomas W. Binczak, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California, 90261. Telephone (213) 536-6182.

**SUPPLEMENTARY INFORMATION:**

**COMMENTS INVITED**

Interested persons may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should identify the Airspace Docket Number and be submitted in triplicate to the Chief, Airspace and Procedures Branch, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California, 90261. All communications received on or before March 19, 1979, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments received will be available both before and after closing date for comments in the Rules Docket for examination by interested persons.

**AVAILABILITY OF NPRM**

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Chief, Airspace and Procedures Branch, AWE-530, 15000 Aviation Boulevard, Lawndale, California, 90261, or by calling (213) 536-6182. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

**THE PROPOSAL**

The FAA is considering an amendment to Subpart F of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) by establishing a control zone

at the San Luis Obispo County Airport, San Luis Obispo, California. The control zone will provide protected airspace for the VOR-A and LOC RWY 11 approach procedures to the San Luis Obispo County Airport.

**DRAFTING INFORMATION**

The principal authors of this document are Thomas W. Binczak, Air Traffic Division and DeWitte T. Lawson, Jr., Esquire, Regional Counsel, Western Region.

**THE PROPOSED AMENDMENT**

Accordingly, the Federal Aviation Administration proposes to amend § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) by establishing the following control zone:

**SAN LUIS OBISPO, CALIFORNIA**

"Within a five mile radius of the San Luis Obispo County Airport (latitude 35° 14' 11" N., longitude 120° 38' 26" W.) and with 2 miles each side of the San Luis Obispo County localizer course extending from the 5-mile radius zone to the outer marker, This control zone is effective from 0500 to 0330 hours, local time, daily or during the specific dates and times established in advance by a Notice to Airmen which thereafter will be continuously published in the Airport/Facility Directory."

(Sec. 307(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c) and 14 CFR 11.69)

**NOTE.**—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Los Angeles, California on February 6, 1979.

M. C. BEARD,  
Acting Director,  
Western Region.

[FR Doc. 79-5203 Filed 2-16-79; 8:45 am]

[6351-01-M]

**COMMODITY FUTURES TRADING COMMISSION**

[17 CFR Part 1]

**GENERAL REGULATIONS UNDER THE COMMODITY EXCHANGE ACT**

**Proposed Change in the Records of Commodity Futures Transactions**

**AGENCY:** Commodity Futures Trading Commission ("Commission").

**ACTION:** Proposed rule.

**SUMMARY:** The Commission is proposing to revise rule 1.35 which requires certain persons to keep records of commodity futures transactions executed on contract markets. Under the

proposed rule, both contract markets and their members would be required to include as part of the record of each commodity futures transaction, the time period within which the transaction was executed. Also, contract markets would be required to establish consecutive trading periods that are no more than thirty minutes long.

**DATES:** Comments on the proposed rule must be received by the Commission by March 22, 1979.

**ADDRESS:** In order to be considered, written comments on the proposed rule must be submitted to: Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581.

**FOR FURTHER INFORMATION CONTACT:**

Neal Stults, Executive Assistant to the Director (202) 254-7307, or Lawrence Elsnor, Attorney, Office of the Chief Counsel (202) 632-5124, Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581.

**SUPPLEMENTARY INFORMATION:**

The Commission is proposing to revise rule 1.35, which requires contract markets and members of contract markets to make and keep records of commodity futures transactions. Under the proposal, rule 1.35(g) would be revised by deleting the existing requirement that times of execution be mechanically or electronically verified and by requiring instead that contract markets divide their hours of trading into consecutive time periods, generally known as "bracket" periods, that are separately identified and that are each no more than thirty minutes long. Rule 1.35(e) would be revised by replacing the requirement that contract markets record the mechanically or electronically verified time of execution to at least the nearest minute with the requirement that contract markets include, as part of the record of each futures transaction, the time period within which the transaction was executed. Rule 1.35(d) would be revised to require members of contract markets to include as part of the record of each futures transaction they execute the time period within which the transaction was executed. Members of contract markets as well as the contract markets themselves should record the appropriate time period because that information is an integral part of the record of each futures trade.

**BACKGROUND**

Rule 1.35(g) was adopted in December 1976 as part of a series of rules to prevent abuses by floor brokers and

<sup>1</sup> See 41 FR 56134-44 (December 23, 1976).



futures commission merchants ("FCMs"). The potential for abuse is inherent in the practice known as "dual trading", i.e., the practice whereby a floor broker both executes customer orders and trades for his own account or an account in which he has trading discretion or whereby an FCM carries customer accounts and also trades or permits its employees to trade in accounts in which the FCM has a proprietary interest. These rules were adopted, in part, in response to the Congressional mandate in section 4j of the Commodity Exchange Act ("Act") that the Commission make a determination whether floor brokers and FCMs may dual trade and, if so, the terms, conditions and circumstances under which dual trading shall be conducted.<sup>2</sup>

The legislative history of section 4j discusses the possible benefits of dual trading—namely, that it promotes liquidity in the marketplace and expertise among floor brokers—and the possible conflicts of interest inherent in dual trading.<sup>3</sup> Congress evidently con-

cluded, however, that it did not have sufficient evidence to determine whether dual trading should be banned or, if not banned, under what terms and conditions it should be permitted to continue. As noted above, Congress delegated those determinations to the Commission.

In August 1975, the Commission formed the Advisory Committee on the Regulation of Contract Markets and Self-Regulatory Associations ("Advisory Committee") to study, among other things, the dual trading issue.<sup>4</sup> The Advisory Committee considered the issue and made a series of recommendations for Commission consideration. These recommendations were:

1. That the Commission recognize dual trading is necessary to provide liquidity in the marketplace and that dual trading promotes expertise among floor brokers;

2. That regulation is needed to control potential abuses of dual trading;

3. That a study be conducted of time stamping mechanisms or other systems that would permit more precise recording of the time of execution of trades; and

4. That a study be made of the effect on liquidity of the dual trading.<sup>5</sup>

The Commission responded to these recommendations by proposing for public comment in December 1975 a series of rules to regulate dual trading.<sup>6</sup> Under these rules, the Commission proposed to allow dual trading but to control its inherent potential for abuse by requiring each contract market to develop a system that would enable the contract market or the Commission to reconstruct quickly and accurately the sequence of trading on that contract market. In general, the proposed rules would have banned dual trading on any contract market which had not submitted to the Com-

mission by January 16, 1977 a plan providing for the development of a method, through time stamping or otherwise, for recording the sequence of futures transactions executed on the contract market. Under the proposed rules, dual trading would have been banned on the contract market unless the plan submitted to the Commission had been adopted by the contract market and accepted by the Commission by April 17, 1977. The Commission stated in connection with its proposal that

"[t]he Commission believes that a system which would permit the reconstruction of the sequence of the execution of transactions is an important element of a regulatory program to deter and to detect the possible abuses presented by dual trading. Without such a system the effectiveness of certain aspects of [the proposed dual trading regulations] is limited."<sup>7</sup>

The Commission noted, however, that it would be continuing its study of the dual trading issue.

On January 20, 1976 the Commission announced that it had determined

"to permit dual trading to continue on contract markets for the present and to adopt regulations which will require contract markets to adopt adequate and enforceable rules to prevent the possible conflict of interest which is inherent in dual trading."<sup>8</sup>

The Commission also announced that prior to adopting any regulations governing dual trading, it would hold a hearing on the proposed regulations and on the subject of dual trading in general. At the hearing, held in March, 1976, the Commission received testimony from over 30 interested persons, including representatives of various contract markets, FCMs, floor brokers and the general public. In addition, the Commission permitted interested persons to submit written comments through the end of April, 1976 on matters presented at the hearing and on any other topic relating to dual trading and the proposed regulations.<sup>9</sup>

Industry witnesses testified at the hearing that with current technology time sequencing would seriously hamper the efficient execution of transactions, but conceded that it would be possible, without harming the markets, to identify the specific one-half hour time interval within which a transaction was executed. As a result of this testimony, the Commission determined that it would not be possible for all contract markets to submit by the January 16, 1977 deadline plans for recording the sequence of futures transactions, but that it would be possible for each contract

<sup>2</sup>Section 4j (7 U.S.C. 6j (1976)) was added to the Act in 1974 by section 203 of the Commodity Futures Trading Commission Act of 1974, Pub. L. No. 93-463, 80 Stat. 1389, 1396. Section 4j states:

(1) The Commission shall . . . make a determination, after notice and opportunity for hearing, whether or not a floor broker may trade for his own account or any account in which such broker has trading discretion, and also execute a customer's order for future delivery and, if the Commission determines that such trades and such executions shall be permitted, the Commission shall further determine the terms, conditions, and circumstances under which such trades and such executions shall be conducted: *Provided*, That any such determination shall, at a minimum, take into account the effect upon the liquidity of trading of each market: *And provided further*, That nothing herein shall be construed to prohibit the Commission from making separate determinations for different contract markets when such are warranted in the judgment of the Commission, or to prohibit contract markets from setting terms and conditions more restrictive than those set by the Commission.

(2) The Commission shall . . . make a determination, after notice and opportunity for hearing, whether or not a futures commission merchant may trade for its own account or any proprietary account, as defined by the Commission, and if the Commission determines that such trades shall be permitted, the Commission shall further determine the terms, conditions, and circumstances under which such trades shall be conducted: *Provided*, That any such determination, at a minimum, shall take into account the effect upon the liquidity of trading of each market: *And provided further*, That nothing herein shall be construed to prohibit the Commission from making separate determinations for different contract markets when such are warranted in the judgment of the Commission, or to prohibit contract markets from setting terms and conditions more restrictive than those set by the Commission.

<sup>3</sup>See *Hearings on Small Business Problems Involved in the Marketing of Grain*

and Other Commodities Before the Subcomm. on Special Small Business Problems of the House Permanent Select Comm. on Small Business, 93d Cong., 1st Sess. (July 25, 26; September 18, 25, 26; October 2, 3 and 4, 1973); *Hearings on the Review of Commodity Exchange Act and Discussion of Possible Changes Before the House Comm. on Agriculture*, 93d Cong., 1st Sess. (October 16, 17, 18 and 24, 1973); *Hearings on H.R. 11955 Before the House Comm. on Agriculture*, 93d Cong., 2d Sess. (January 23, 24, 29, 30 and 31, 1974); and *Hearings on S. 2485, S. 2578, S. 2837 and H.R. 13113 Before the Senate Comm. on Agriculture and Forestry*, 93d Cong., 2d Sess. (May 13, 14, 15, 16, 17, 20, 21 and 22, 1974).

<sup>4</sup>See 40 FR 32866 (August 5, 1975).

<sup>5</sup>The work of the Advisory Committee, including these recommendations, is summarized in the Report of the Chairman of the Advisory Committee on the Regulation of Contract Markets and Self-Regulatory Associations, December 23, 1976 (available for inspection at the Commission's office at 2033 K Street NW., Washington, D.C. 20581).

<sup>6</sup>40 FR 58660 (December 18, 1975).

<sup>7</sup>40 FR 58662 (December 18, 1975).

<sup>8</sup>41 FR 3338 (January 22, 1976).

<sup>9</sup>See 41 FR 9587 (March 5, 1976), 41 FR 13393 (March 30, 1976) and 41 FR 15710 (April 14, 1976).

market to develop a plan that would be an interim step toward full reconstruction of trading sequences. Other testimony at the hearing indicated that the system of identifying transactions by one-half hour interval, which came to be known as "thirty-minute bracketing,"<sup>10</sup> would be a step forward in providing a means of policing those floor brokers and FCMS engaged in dual trading.

In April, 1976 the Commission established a task force composed of various members of the Commission's staff to consider whether bracketing was a feasible interim step toward full reconstruction of trading sequences. In its report to the Commission of July 14, 1976, the task force found that bracketing would aid contract markets and the Commission in reconstructing the sequence of trades but that there would be many instances in which trades could not be sequenced properly. The task force concluded that although bracketing would be a significant step forward for certain contract markets,

"It must be viewed by the industry as an interim step. While bracketing will better enable the Commission and the exchanges to reconstruct markets, the job of such reconstruction will continue to be onerous. Therefore, the ultimate goal of time sequencing must continue to be stressed."<sup>11</sup>

In December, 1976 the Commission adopted final rules governing dual trading after considering the findings and recommendations of the bracketing task force and the Commission's Advisory Committee, as well as all oral and written comments received from the public on the proposed regulations.<sup>12</sup> To protect the trading public from both the potential abuses associated with dual trading and from other potential trade practice abuses, the Commission adopted rule 1.35(g)(1) to ensure that contract markets had the ability to reconstruct trading sequences. The rule, which became effective June 13, 1977, requires each contract market to show on the record of each futures trade, "the mechanically or electronically verified time of execution of such futures trade to at least the nearest minute \* \* \*." The Commission adopted this requirement, often called "one-minute timing,"<sup>13</sup> because the Commission be-

lieved "it is essential that each contract market have the ability to reconstruct, accurately and rapidly, the time and sequence of transactions on any given trading day."<sup>14</sup> And, the Commission then believed that one-minute timing but not one-half hour bracketing would generate the information necessary to reconstruct the time sequence of transactions "accurately and rapidly."

In adopting rule 1.35(g)(1) the Commission realized that the time verification procedures required by the rule were an innovative response to the problem of reconstruction grading sequences. The Commission anticipated that some contract markets would have to make major adjustments in their internal operations to comply with the rule. Under § 1.35(g)(2) of the rule, a qualifying contract market could petition the Commission for an extension of time to comply with the one-minute timing requirement if immediate compliance would seriously disrupt the functions of its marketplace. The regulation permitted extensions of time of up to one year (per extension) to comply with the rule.

#### EXCHANGE RESPONSE

During the spring of 1977 all ten of the then existing exchanges petitioned the Commission for extensions of time to comply with the requirements of rule 1.35(g)(1). Only four of the petitions, however, satisfied the requirements for extension under rule 1.35(g)(2) and, accordingly, the Commission granted time extension only to the four exchanges which had submitted these petitions.<sup>15</sup> By letters dated November 15, 1977, the Commission notified these four exchanges that the extension required each exchange (1) to continue to improve its procedures for the mechanical or electronic time verification of all executions, (2) to increase the frequency of its market reconstructions and trade practice analysis, (3) to conduct tests on the accuracy of all of the information reported for each trade, including the time of execution, and (4) to file monthly reports with the Commission concerning the exchange's market reconstructions and accuracy tests.

The petitions of the other six exchanges were not granted because

realized that recording each transaction might be impracticable in high volume contract markets and therefore the regulation required that the time of transactions be mechanically or electronically "verified" to the nearest minute, or, in the alternative, the implementation of a superior system of time sequencing.

<sup>14</sup>41 FR 56139 (December 23, 1976).

<sup>15</sup>These four exchanges were The Board of Trade of Kansas City, Missouri, Inc., the Minneapolis Grain Exchange, the New York Cocoa Exchange, Inc., and the New York Mercantile Exchange.

they did not satisfy the requirement under § 1.35(g)(2) that petitions include "a plan interim plan which will represent substantial progress toward an accurate record of the time and sequence of execution of each futures trade on the contract market."<sup>16</sup> By letters dated November 15, 1977, the Commission notified these exchanges that each was violating § 1.35(g) but that the Commission would not institute an enforcement action at that time if the exchange undertook certain specified steps to comply with the rule. These steps were (1) to implement by December 1, 1977 bracketing periods of no more than thirty minutes for all its contract markets, (2) to implement additional timing or sequencing procedures on certain low volume contract markets, (3) to increase the frequency of market reconstructions, (4) to conduct tests on the accuracy of all of the information reported for each trade, (5) to file monthly reports with the Commission concerning the market reconstructions and accuracy tests, and (6) to submit a new petition to the Commission by April 1, 1978 for an extension of time to comply with § 1.35(g)(1).

The Commission staff worked closely with each of the ten exchanges to assist them in their efforts to comply with the terms stated in the Commission's letters of November 15, 1977. After holding a series of meetings with each exchange in November and December 1977, the Commission staff made adjustments in the information and reports which were required to be submitted to the Commission. Since four of the six exchanges which were not granted time extensions to comply with the requirements of § 1.35(g)(1) were making progress in their efforts to comply with the rule, the Director of the Commission's Division of Trading and Markets advised these four exchanges, by letters dated March 29, 1978, that the Division would not recommend that the Commission institute enforcement proceedings if the exchanges' petitions for additional time extension were received by June 1, 1978 rather than April 1, 1978, as required by the Commission in its letters of November 15, 1977. That Director of the Division notified the other two exchanges, also by letters of March 29, 1978, that they had made no effort to comply with the Commission's conditions for not instituting enforcement proceedings and that the exchanges' continued failure to comply would result in the Division's recommendation for enforcement action. Both exchanges notified the director of the

<sup>10</sup>A trade is "bracketed" by identifying the specific time period during the trading day within which the trade was executed.

<sup>11</sup>Report of the "Bracketing" Task Force, Gary L. Seevers, Chairman, Commodity Futures Trading Commission, p. 6 (July 14, 1976) (available for inspection at the Commission's office at 2033 K Street, NW, Washington, D.C. 20581).

<sup>12</sup>41 FR 56134 (December 23, 1976).

<sup>13</sup>Some persons have misinterpreted the "one-minute timing" regulation as requiring that the time of each trade be electronically or mechanically recorded. The Commission

<sup>16</sup>These six exchanges were The Chicago Board of Trade, the Chicago Mercantile Exchange, Commodity Exchange, Inc., the MidAmerica Commodity Exchange, the New York Coffee and Sugar Exchange and the New York Cotton Exchange.

Divison shortly thereafter that they would take steps to comply with the conditions set by the Commission for not instituting enforcement proceedings.

The Commission reviewed the market-reconstruction and accuracy-test reports it received from the exchanges, and, in part because of these reports, the Commission decided to review the operation of § 1.35(g). In May, 1978 the Director of the division of Trading and Markets notified all ten exchanges that the Commission would review the issue of reconstructing trading sequences.

#### COMMISSION REEVALUATION

The one-minute timing requirement of rule 1.35(g)(1) was designed to meet four objectives: (1) To help prevent dual trading abuses, (2) to enable each contract market and the Commission market and the Commission to reconstruct the sequence of transactions to facilitate the detection of other trade practice abuses, (3) to make available further data to prove trade practice abuse detected by other means, and (4) to provide accurate time of execution information for the purpose of conducting general market studies to evaluate the impact of trading activity over a given period of time.<sup>17</sup> The Commission continues to believe that these goals should be attained and that they are attainable. Some of the exchanges which petitioned the Commission for time extensions have stated, however, that one-minute timing involves substantial costs and that they believe the purposes of one-minute timing could be accomplished by other less costly means, specifically, by a system of bracketing trades by time of execution.

The Commission was well aware when it adopted rule 1.35(g)(1) that the one-minute timing requirement was an innovative approach to the problem of protecting the trading public from potential trade practice abuses. The Commission, therefore, does not consider that it must be limited to this one approach if there are other systems that are both less costly and can be proven to achieve the objectives of one-minute timing.

Since early in 1978, the Commission has been receiving reports from most of the exchanges concerning the market reconstruction capability and accuracy of their bracketing programs.<sup>18</sup> From these reports and as a

result of studies undertaken during the period by the Commission's staff, the Commission currently believes that bracketing trades within thirty-minute periods, if done accurately, may prove to be an effective and less costly alternative to one-minute timing. Before the Commission can make a final determination, however, that bracketing is an appropriate substitute for one-minute timing, the contract markets that uses bracketing must first attain a much higher degree of accuracy in recording information about executions. The Commission emphasizes that inaccuracies in recording the correct bracket indicator reduce significantly the effectiveness of bracketing as a means to reconstruct trading sequences.<sup>19</sup>

The general lack of accuracy in the records required to be maintained by contract markets under § 1.35(e) has been a significant factor in preventing the Commission from developing a computerized capability to perform trade practice investigations ("TPI's").<sup>20</sup> The capacity to perform a computerized TPI depends upon the availability of accurate transaction records and since the computer information provided by exchanges has generally not been reliable, the Commission's staff has had to review the exchanges' records by manual methods, limiting greatly the number and extent of TPIs.<sup>21</sup> For these reasons, the Commis-

ioned bracketing to be a reasonable interim method for determining the approximate time and sequence of the execution of futures transactions. The Commission also directed all ten exchanges that petitioned for the extensions to file with the Commission periodic reports of their market reconstructions and of their tests for the accuracy of the information being reported about each transaction.

<sup>18</sup>In its Report to the Commission of July 14, 1978 the Commission's task force on bracketing found that the effectiveness of bracketing or any method to reconstruct trading sequence is directly related to the accuracy of the records and reports required to be kept pursuant to Commission rules. The task force recommended that the Commission consider ways to improve the accuracy of these reports.

<sup>19</sup>The General Accounting Office ("GAO") discussed the Commission's trade practice investigation program in its report assessing the Commission's performance since its inception. The GAO recommended that to improve its investigative capability in the area of preventing and detecting trading abuses, the Commission should "[d]evelop a computerized capability to perform trade practice investigations." General Accounting Office, *Report to the Congress, Regulation of the Commodity Futures Markets—What Needs To Be Done*, at p. 80 (May 17, 1978).

<sup>20</sup>Rule 1.35(e) specifies that the records required to be kept by the rule "shall be maintained in a format and coding structure approved by the Commission (i) in hard copy or on microfilm as specified in section 1.31 and (ii) for 60 days in computer-reada-

ble form on compatible magnetic tapes or discs." 17 CFR 1.35(e).

<sup>21</sup>In connection with the adoption of the dual trading regulations in December, 1976, the Commission announced that it was considering the adoption of one of two alternative regulations designed to insure the accuracy of the time and sequence of execution indicia required under than newly adopted regulation 1.34(g). 41 FR 55887 (December 23, 1976). The first of those alternatives, proposed rule 1.35(f), is a requirement that contract markets and their clearing organizations require that the opposite sides of each transaction presented for clearing have identical time and sequence of execution indicia as a prerequisite to acceptance for clearance. See 41 FR 55888 (December 23, 1976), CCH Comm. Fut. L. Rep. ¶3390. Since the issues involved in proposed rule 1.35(f) would remain essentially unchanged if the time and sequence indicia were replaced by the bracket indicia, the comments received on proposed rule 1.35(f) will be considered to determine whether the opposite sides of each futures trade must have identical transaction information before the trade can be accepted for clearance. The Commission is also considering whether to propose a rule requiring the trading records of both the two opposite clearing members and the two opposite floor brokers to match before the trade can be accepted for clearance. The Commission welcomes further comment on these issues.

<sup>22</sup>17 CFR 1.51(a)(2).

<sup>17</sup>See generally 41 FR 56139 (December 23, 1976).

<sup>18</sup>In its letters of November 15, 1977 the Commission directed six of the exchanges that petitioned for time extensions under § 1.35(g)(2) to initiate after December 1, 1977 the use of bracketing periods of thirty minutes or less on certain of their contract markets. The Commission imposed this requirement because the Commission consid-

tion that bracketing is an appropriate substitute for one-minute timing. Rather, as the Commission noted upon adopting the regulations in December 1976, "as the Commission continues its study of dual trading, these regulations may be amended in light of \*\*\* improved data."<sup>24</sup>

In consideration of the foregoing and pursuant to sections 4f, 4g, 4j, 5 and 8a of the Commodity Exchange Act, 7 U.S.C. 6f, 6g, 6j, 7 and 12a (1976), as amended by the Futures Trading Act of 1978, Pub. L. 95-405, 92 Stat. 865 *et seq.*, the Commission proposes to revise Part 1 of Chapter I of Title 17 of the Code of Federal Regulations by amending § 1.35 (d), (e) and (g) as follows:

**PART 1—GENERAL REGULATIONS UNDER THE  
COMMODITY EXCHANGE ACT**

§ 1.35. Records of cash commodity and futures transactions.

(d) *Members of Contract Markets.* Each member of a contract market who, in the place provided by the contract market for the meeting of persons similarly engaged, executes purchases or sales of any commodity for future delivery on or subject to the rules of such contract market, shall prepare regularly and promptly a trading card or other record showing such purchases and sales. Such trading card or record shall show his own name, the name of the member firm clearing the trade, the date, time period (as described in § 1.35(g)), price, quantity, commodity and future, and shall clearly identify the opposite floor broker or floor trader with whom such transaction was executed, and the opposite clearing member (if, in accordance with the rules or practice of the contract market such opposite clearing member is made known to him).

(e) *Contract markets.* Each contract market shall maintain or cause to be maintained by its clearing organization a single record which shall show for each futures trade: The date, time period (as described in § 1.35(g)), commodity, future, quantity, price, floor broker or floor trader buying, clearing member buying, floor broker or floor trader selling, clearing member selling, and symbols indicating the buying and selling customer types. The customer type indicators shall show, with respect to each person executing the trade, whether such person:

- (1) Was trading for his account;
- (2) Was trading for his clearing member's house account;
- (3) Was trading for another member present on the exchange floor, or an account controlled by such other member; or

(4) Was trading for any other type of customer.

The record required by this paragraph (e) of this section shall show, by appropriate and uniform symbols, exchanges of futures for cash, transfer trades, and trades cleared on dates other than the date of the execution. Except as otherwise approved by the Commission for good cause shown, the record required by this paragraph (e) of this section shall be maintained in a format and coding structure approved by the Commission (i) in hard copy or on microfilm as specified in § 1.31 and (ii) for 60 days in computer-readable form on compatible magnetic tapes or discs.

(g) Each contract market shall divide its trading day into consecutive, separately identified time periods. Such periods shall be no more than thirty minutes long.

Issued in Washington, D.C. on February 13, 1979 by the Commission.

GARY L. SEEVERS,  
Acting Chairman, Commodity  
Futures Trading Commission.

[FR Doc. 79-5274 Filed 2-16-79; 8:45 am]

[4830-01-M]

**DEPARTMENT OF THE TREASURY**

Internal Revenue Service

[26 CFR Part 1]

[CC:LR-97-77]

**INCOME TAX**

Time for Filing Dividend or Interest Information  
Returns

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains proposed regulations relating to the time requirements for furnishing certain dividend or interest information statements. These regulations provide necessary guidance for compliance with the law relating to the furnishing of information statements and would affect persons who are required to furnish such statements.

DATES: Written comments and request for a public hearing must be delivered or mailed by April 23, 1979. The regulations are proposed to be effective for statements furnished after April 30, 1979.

ADDRESS: Send comments and request for a public hearing to: Commissioner of Internal Revenue, Attention:

CC:LR:T (LR-97-77), Washington, D.C. 20224.

**FOR FURTHER INFORMATION  
CONTACT:**

Annie R. Alexander of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 202-566-3671, not a toll-free call.

**SUPPLEMENTARY INFORMATION:**

**BACKGROUND**

This document contains proposed amendments to the Income Tax Regulations (26 CFR Part 1) under sections 6042 and 6049 of the Internal Revenue Code of 1954. Persons required to furnish information statements have requested changes in the time requirement in which statements may be furnished to taxpayers. In response to these requests, these proposed amendments revise the time requirement for the furnishing of certain information statements and are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

**EXPLANATION OF THE REGULATIONS**

The proposed amendments under §§ 1.6042-4(c) and 1.6049-3(c)(1)(i) substitute April 30 for September 30 as the earliest time a payer may send an information statement to recipients of dividend or interest payments, respectively for the calendar year. However, under both the present regulations and the proposed amendments if the information statement is furnished before November 30 then it must be furnished with the final dividend or interest payment for the calendar year.

**COMMENTS AND REQUESTS FOR A PUBLIC  
HEARING**

Before adopting these proposed regulations, consideration will be given to any written comments that are submitted (preferably six copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying. A public hearing will be held upon written request to the Commissioner by any person who has submitted written comments. If a public hearing is held, notice of the time and place will be published in the FEDERAL REGISTER.

**DRAFTING INFORMATION**

The principal author of these proposed regulations is Annie R. Alexander of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other office of the Internal Revenue Service and Treasury Department participated in devel-

<sup>24</sup>41 FR 56135 (December 23, 1976).

oping the regulation, both on matters of substance and style.

PROPOSED AMENDMENTS TO THE REGULATIONS

The proposed amendments to 26 CFR Part 1 are as follows:

§ 1.6042-4 [Amended]

PARAGRAPH 1. Paragraph (c)(1) of § 1.6042-4 is amended by substituting "April 30" for "September 30" in the last sentence.

§ 1.6042-3 [Amended]

PAR. 2. Paragraph (c)(1)(i) of § 1.6049-3 is amended by substituting "April 30" for "September 30" in the last sentence.

JEROME KURTZ,  
Commissioner of Internal Revenue.  
[FR Doc. 79-5278 Filed 2-16-79; 8:45 am]

[4830-01-M]

[26 CFR Part 1]

ILR-11111

INCOME TAX

Definition of Employee Stock Purchase Plan

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains proposed regulations setting forth rules with respect to the definition of employee stock purchase plans. Changes to the applicable tax law were made by the Revenue Act of 1964. The regulations would provide employees and employers with the guidance needed to comply with the Act.

DATES: Written comments and requests for a public hearing must be delivered or mailed by April 23, 1979. Generally, except where otherwise provided, the amendments are proposed to be effective for taxable years beginning after December 31, 1963.

ADDRESS: Send comments and requests for a public hearing to: Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT:

Robert Katcher of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, Attention: CC:LR:T, [LR-1111], 202-566-3432, not a toll-free call.

SUPPLEMENTARY INFORMATION:

BACKGROUND

This document contains proposed amendments to the Income Tax Regulations (26 CFR Part 1) under section 423 of the Internal Revenue Code of 1954. These amendments are proposed to conform the regulations to section 221(a) of the Revenue Act of 1964 (78 Stat. 63) and are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

EXPLANATION

The proposed amendments add rules regarding the coverage requirements for employee stock purchase plans under section 423. The amendments provide that an employee stock purchase plan may not exclude any employees other than those whose exclusion is provided for by section 423(b), and that no option granted under a plan which excludes required employees can qualify as an option granted under an employee stock purchase plan. The amendments also provide that a plan may allow employees to carry over unused balances representing fractional shares which were withheld under a prior plan or offering toward the purchase of shares under the current plan or offering.

COMMENTS AND REQUESTS FOR A PUBLIC HEARING

Before adopting these proposed regulations, consideration will be given to any written comments that are submitted (preferably six copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying. A public hearing will be held upon written request to the Commissioner by any person who has submitted written comments. If a public hearing is held, notice of the time and place will be published in the FEDERAL REGISTER.

DRAFTING INFORMATION

The principal author of these proposed regulations was Robert Katcher of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulation, both on matters of substance and style.

PROPOSED AMENDMENTS TO THE REGULATIONS

The proposed amendments to 26 CFR Part 1 are as follows:

§ 1.423 [Deleted]

PARAGRAPH 1. Section 1.423 is deleted.

PAR. 2. Section 1.423-2 is amended by adding paragraph (e)(1), and para-

graphs (f) (3) and (4) to read as follows:

§ 423-2 Employee stock purchase plan defined.

(e) *Employees covered by plan.* (1) Subject to the limitations of section 423 (b)(3), (5) and (8), an employee stock purchase plan must, by its terms, provide that options are to be granted to all employees of any corporation which grants options to any of its employees by reason of their employment by such corporation, except that one or more of the following categories of employees may be excluded from the coverage of the plan:

(i) Employees who have been employed less than 2 years;

(ii) Employees whose customary employment is 20 hours or less per week;

(iii) Employees whose customary employment is for not more than 5 months in any calendar year;

(iv) Officers;

(v) Persons whose principal duties consist of supervising the work of other employees; and

(vi) Highly compensated employees.

No option granted under a plan or offering which excludes from participation any employees, other than those who may be excluded under section 423 (b)(4) and this paragraph, and those barred from participation by reason of section 423 (b) (3), (5), and (8) and paragraphs (d), (f) and (i) of this section, can be regarded as having been granted under an employee stock purchase plan. If an option is not granted to any employee who is entitled to the grant of an option under the terms of the plan or offering, none of the options granted under such offering will be treated as having been granted under an employee stock purchase plan. Furthermore, no option will be considered as having been granted under an employee stock purchase plan if the option was granted in connection with an offering made after [insert date these regulations are published in final form in the FEDERAL REGISTER] with respect to which employees, otherwise eligible, are denied participation to any extent because of their continuing participation or eligibility for participation in a prior plan or offering (including a prior plan or offering of a related corporation).

(f) *Equal rights and privileges.* \* \* \*

(3)(i) Except as provided in paragraph (f)(3)(ii) of this section, a plan permitting one or more employees to apply sums which were withheld under an earlier plan or offering towards the purchase of additional stock under the current plan or offering will



be a violation of equal rights and privileges unless all employees in the current plan or offering are permitted to make payments in an amount not less than that which any employee is allowed to carry over, to be applied to the purchase of shares under the current plan or offering.

(ii) A plan will not fail to satisfy the requirements of this section merely because one or more employees are permitted to apply sums, in an amount representing a fractional share, which were withheld under an earlier plan or offering toward the purchase of additional stock under the current plan or offering.

(4)(i) Section 423 (b)(5) does not prohibit the delaying of the grant of an option to any employee who is barred from being granted an option solely by reason of such employee's failing to meet a minimum service requirement until such employee meets such requirement.

(ii) The provision of this paragraph (4) may be illustrated by the following example:

*Example.* N Corporation has an employee stock purchase plan which provides that options to purchase stock in an amount equal to ten percent of an employee's annual salary at a price equal to 85 percent of the fair market value at the time the option is granted will be granted to all employees other than those who have been employed less than 18 months. In addition, the plan provides that employees who have not yet met the minimum service requirements on the date the options are initially granted will be granted similar options on the date such employment has been attained. Such plan meets the requirements of section 423 (b)(5).

JEROME KURTZ,  
Commissioner of  
Internal Revenue.

[FR Doc. 79-5279 Filed 2-16-79; 8:45 am]

[7708-01-M]

## PENSION BENEFIT GUARANTY CORPORATION

[29 CFR Part 2610]

### VALUATION OF PLAN BENEFITS.

Interim Regulation; Proposed Amendment

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Proposed amendment to the interim regulation.

SUMMARY: This proposed amendment to the interim regulation on Valuation of Plan Benefits prescribes the rates and factors the Pension Benefit Guaranty Corporation (the "PBGC") will use to value benefits provided under terminating pension plans covered by Title IV of the Employee Retirement Income Security Act of 1974 ("ERISA"). This valuation is neces-

sary because under section 4041 of ERISA, the PBGC must determine whether a terminating pension plan has sufficient assets to pay all guaranteed benefits provided under the plan. If the assets are insufficient, the PBGC will pay the unfunded guaranteed benefits under the plan termination insurance program established under Title IV.

The interest rates and factors set forth in the regulation must be adjusted periodically to reflect changes in investment markets. This proposed amendment prescribes the rates and factors applicable to plans that terminated on or after September 1, 1978, but before March 1, 1979.

In addition, the PBGC solicits public comments on its proposal that in the future new interest rates and factors be issues in final form without first being published in a Notice of Proposed Rulemaking.

DATES: Comments should be submitted on or before March 22, 1979.

ADDRESSES: Comments should be sent to: Office of the General Counsel, Pension Benefit Guaranty Corporation, Room 7200, 2020 K Street NW., Washington, D.C. 20006. Copies of written comments will be available for examination in: Office of Communications, Pension Benefit Guaranty Corporation, Suite 7100, 2020 K Street NW., Washington, D.C., between the hours of 9 a.m. and 4 p.m.

### FOR FURTHER INFORMATION CONTACT:

William E. Seals, Staff Attorney, Office of the General Counsel, Pension Benefit Guaranty Corporation, 2020 K Street NW., Washington, D.C. 20006, 202-254-4895.

SUPPLEMENTARY INFORMATION: On November 3, 1976, the Pension Benefit Guaranty Corporation (the "PBGC") issued an interim regulation establishing the methods for valuing plan benefits of terminating plans covered under Title IV of the Employee Retirement Income Security Act of 1974 (41 FR 48484 *et seq.*). Specifically, the regulation contains a number of formulae for valuing different types of benefits. In addition, Appendix B of the regulation sets forth the various rates and factors that are to be used in the formulae. Because these rates and factors must be reflective of investment markets, it is necessary to update the rates and factors periodically. When first published, Appendix B contained rates and factors to be used to value benefits in plans that terminated on or after September 2, 1974, but before October 1, 1975. Subsequently, the PBGC adopted additional rates and factors for valuing benefits in plans that terminated on or after October 1, 1975, but before Sep-

tember 1, 1978. (42 FR 2678 *et seq.*, 42 FR 32777 *et seq.*, 42 FR 41858 *et seq.*, 42 FR 59753 *et seq.*, 43 FR 10550 *et seq.*, 43 FR 25337 *et seq.*, 43 FR 55240 *et seq.*, 44 FR 3971 *et seq.*).

The PBGC has now developed rates and factors for valuing benefits in plans that terminated on or after September 1, 1978, but before March 1, 1979, and proposes to amend the interim regulation to add these factors.

In addition, the PBGC requests public comment on a procedural change it is considering implementing in connection with the periodic promulgation of new interest rates and factors. Because of the methodology the PBGC has been using to develop its interest rates and factors, new rates are not determinable until near the end of the quarter for which they are applicable, and as a consequence are not normally available to the public until after the end of that quarter. Because the PBGC publishes new rates and factors in proposed form for public comment before issuing them in final form, the establishment of new interest rates and factors is further delayed. (We note in this connection that during the more than three years that PBGC has been publishing proposed interest rates and factors for public comment, only one comment has been submitted to the PBGC.) Until these rates are promulgated, benefits provided by plans that terminated during the period for which the rates are applicable cannot be valued.

One of the projects currently under consideration by the PBGC is the development of a new approach to setting its interest rates and factors that will enable PBGC to establish the rates on a prospective basis prior to the period for which they will be applicable. It is anticipated that this new approach will be helpful to pension plan administrators and employers who maintain plans and will speed the processing of sufficient plan terminations. An essential aspect of this new procedure for establishing interest rates and factors, which will enable PBGC to issue the rates on a prospective basis, is that the rates will be issued in final form without a period for public comment prior to the rates taking effect. The public will still be invited to comment on the rates, however, and those comments will be considered by PBGC in setting the rates for subsequent periods. (This new procedure for setting interest rates will be explained in detail and public comment solicited on it in a Notice of Proposed Rulemaking that PBGC plans to issue within the next few months. See the PBGC's Semiannual Agenda of Regulations, 43 FR 59942, Item 3, (December 22, 1978).)

Because of the delay caused by issuing new interest rates and factors first

in proposed form, and because these proposals have not generated any significant public comment (only one comment having been received in more than three years of following this procedure), and because the PBGC anticipates switching in the future to a new system for setting rates under which they will be issued at the outset as final rules, the PBGC proposes at this time to end its practice of issuing new interest rates and factors in proposed form for public comment. Instead, the PBGC proposes that for the remaining period of time during which we continue to use our current retrospective methodology for developing interest rates and factors, that new rates will be issued in final form without first being published in a Notice of Proposed Rulemaking.

The PBGC requests interested members of the public to submit comments on this proposal. Each person submitting comments on this proposal should include his/her name and address, identify this notice and give reasons for any recommendation. This proposal may be changed in light of the comments received.

The PBGC has determined that this proposed amendment to the Valuation of Plan Benefits regulation is not "significant" under the criteria prescribed by Executive Order 12044, "Improving Government Regulations," 43 FR 12661 (March 24, 1978), and the PBGC's Statement of Policy and Procedures implementing the Order, 43 FR 58237 (December 13, 1978): The reasons for this determination are that this proposal is not likely to engender substantial public interest or controversy, does not affect another Federal agency, and will not have a major economic impact.

In consideration of the foregoing, it is proposed to amend Part 2610 of Chapter XXVI of Title 29, Code of Federal Regulations, by adding a new table XIII to Appendix B to read as follows:

**XIII. The following interest rates and quantities used to value benefits shall be effective for plans that terminate on or after September 1, 1978, but before March 1, 1979.**

**I. Interest rate for valuing immediate annuities.**

An interest rate of 7½ percent shall be used to value immediate annuities, to compute the quantity "Gy" in § 2610.6 and for valuing both portions of a cash refund annuity.

**II. Interest rate for valuing death benefits.** An interest rate of 5 percent shall be used to value death benefits other than the decreasing term insurance portion of a cash refund annuity pursuant to § 2610.8.

**III. Interest rates and quantities used for valuing deferred annuities.** The following factors shall be used to value deferred annuities pursuant to § 2610.6:

- (1)  $k_1 = 1.0675$
- (2)  $k_2 = 1.0475$
- (3)  $k_3 = 1.035$

- (4)  $n_1 = 7$
- (5)  $n_2 = 10$

(Secs. 4002(b)(3), 4041(b), 4044, 4062(b)(1)(A), Pub. L. 93-406, 88 Stat. 1004, 1020, 1025-27, 1029 (29 U.S.C. 1302(b)(3), 1341(b), 1344, 1362(b)(1)(A)).)

Issued at Washington, D.C., on this 14th day of February 1979.

**MATTHEW M. LIND,**  
*Executive Director, Pension  
Benefit Guaranty Corporation.*

Issued on the date set forth above, pursuant to a resolution of the Board of Directors authorizing its Executive Director to issue same.

**HENRY ROSE,**  
*Secretary, Pension Benefit  
Guaranty Corporation.*

[FR Doc. 79-5255 Filed 2-16-79; 8:45 am]

[4910-14-M]

## DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Parts 147, 165]

[CGD 11-79-01]

### ESTABLISHMENT OF SAFETY ZONES AROUND STRUCTURES AND ARTIFICIAL ISLANDS ON THE OUTER CONTINENTAL SHELF (OCS) AND IN THE NAVIGABLE WATERS OF THE U.S.

Advance Notice of Proposed Rulemaking

AGENCY: Coast Guard, DOT.

ACTION: Advance Notice of Proposed Rulemaking.

**SUMMARY:** The Commander, Eleventh Coast Guard invites public participation at the earliest stages in the development and implementation of safety zones around fixed structures and artificial islands on the OCS and in navigable waters off Southern California, and the Regulations inside such safety zones. These safety zones and their regulations would be established around fixed structures and artificial islands to promote safety of life and property on the artificial islands, structures, their appurtenances and attending vessels, and on the adjacent waters within the safety zones.

**DATES:** Comments must be received on or before April 2, 1979.

**ADDRESS:** Comments should be submitted to the Commander, Eleventh Coast Guard District (m), 400 Oceangate, Long Beach, CA 90822. Comments received will be available for examination at the Marine Safety Division, Office of the Commander, Eleventh Coast Guard District, Room 917, 400 Oceangate, Long Beach, CA 90822.

**FOR FURTHER INFORMATION CONTACT:**

Lieutenant Robin A. Wendt (213) 590-232L.

**SUPPLEMENTARY INFORMATION:** Interested persons are invited to participate in this proposed rulemaking by submitting written views, data and arguments. Persons submitting comments should include their names and addresses, identify this notice (CCGD 11-79-01) and the specific sections of the Proposal to which their comments apply, and give reasons for their comments. All comments received will be considered before further rulemaking action is taken on this proposal.

**DRAFTING INFORMATION:** The draft materials contained in this advance notice relied on initial studies conducted by the Commander, Eleventh Coast Guard District. This advance notice has been drafted by Lieutenant Robin A. WENDT, U.S. Coast Guard, Project Coordinator and Lieutenant Commander, William K. BISELL, U.S. Coast Guard, Project Counsel.

### DISCUSSION OF THE PROPOSED REGULATIONS

This Advance Notice is designed to present the current concepts of the Commander, Eleventh Coast Guard District with respect to safety zones around artificial islands or fixed structures on the OCS or in navigable waters. It must be emphasized that this is an advance notice designed to stimulate comment and thoughtful suggestions by raising a variety of issues. The Commander, Eleventh Coast Guard District is not committed to any particular approach during this conceptual stage. Even where proposals are presented, this is being done solely to generate more extensive and more informed comment concerning them.

### BACKGROUND

33 CFR Part 147 gives authority to the Commander, Eleventh Coast Guard District to establish safety zones around artificial islands and fixed structures being constructed, maintained or operated on the OCS off Southern California. OCS safety zone regulations derive authority from the Convention on the Continental Shelf (TIAS 5578), Convention on the High Seas (TIAS 5200), 43 U.S.C. 1333(e)(1) and 14 U.S.C. 633. 33 CFR Part 165 gives authority to the Commander, Eleventh Coast Guard District, to establish safety zones for the protection of vessels, structures and water and shore areas in the navigable waters adjacent to Southern California. This part derives its authority from the Ports and Waterways Safety Act (PWSA), of 1972, 33 U.S.C. 1224.

There are presently 17 artificial islands or fixed structures in the naviga-

ble waters adjacent to Southern California (Santa Maria River to Mexican Border) and 7 fixed structures on the OCS adjacent to the Southern California with an additional fixed structure in the construction phase.

Both the size of a safety zone and the regulations therein are to be determined on a case by case basis. The Commander, Eleventh Coast Guard District is studying all existing and proposed artificial islands and fixed structures on the OCS and in the navigable waters adjacent to Southern California to assess the need for safety zones and the type of regulations needed. The purpose of the OCS safety zone is " \* \* \* to promote safety of life and property on the islands and structures, their appurtenances and attending vessels, and on the adjacent waters within the safety zone." With respect to the regulations adopted for OSC safety zones, it is stated that they " \* \* \* may extend to the prevention or control of specific activities and access by vessels or persons, and include measures to protect the living resources of the sea from harmful agents." These regulations would not encompass the production activity of the structure or island. These parameters also fit the purpose and intent of safety zones established in navigable waters.

Before making a decision to establish any safety zone and appropriate regulations, the Commander, Eleventh

Coast Guard District will first consider all relevant safety factors, including existing or foreseeable congestion of vessels, the presence of hazardous substances or any obstructions within 500 meters of an artificial island or fixed structure. An initial investigation has shown that there may be numerous existing and proposed fixed structures and/or artificial islands which are within or in close proximity to areas of marine traffic. This traffic in some circumstances involves carriage of unusually harmful substances.

If a safety zone were to be established around these fixed structures or artificial islands (hereafter structures/islands), regulations would be established that would restrict navigation therein to attending vessels and possibly vessels below a certain size (e.g., below 100 Gross Registered Tons) or of a certain employment (e.g., sport fishing, recreational).

Initial studies include several assessments of traffic patterns in Southern California waters. It is already known however, that there is considerable traffic in the traffic lanes of the Southern California Traffic Separation Schemes (TSS). Thus, initially, existing or proposed structures/islands which lie in close proximity to the traffic lanes would appear to warrant large safety zones with the most restrictive regulations, as would platforms near traffic convergence points such as the western terminus of the

Santa Barbara Channel TSS. Also, those structures/islands which lie in close proximity to marine traffic generators such as offshore tanker loading/discharge moorings or proposed onshore and offshore Liquefied Natural Gas (LNG) terminals, would appear to warrant large safety zones with the most restrictive regulations. In addition, if it can be shown that a safety zone would protect the living resources of the sea from harmful agents, such a safety zone would be appropriate. In the case of structures/islands away from traffic and obstructions, and where no hazardous or harmful substances exist or are carried through, a safety zone may not be necessary. For those structures/islands which are in areas of moderate traffic and/or where hazardous or harmful substances may exist, a smaller safety zone with regulations only moderately restrictive may be appropriate. The initial study has shown no structures/islands in this latter most category though.

The Commander, Eleventh Coast Guard District, presently is considering the following safety zones for the reasons stated.

Column code:

1. Structure(S)/Island(I) Identification.
2. Safety zone radius in meters.
3. Navigation restricted to attending vessels and —.
4. Safety zone authority, PWSA for navigable waters, OCSLA (OCS Lands Act) for OCS.
5. Justification.

| 1.  | 2.   | 3.   | 4.         | 5.   |
|---|--|--|------------|--|
| (S) Hondo and attached Offshore Storage and Treatment Vessel. | 500 (around both the Structure and vessel. | Vessels under 100 Gross Registered Tons (GRT) if without a tow.  | OCSLA..... | Close proximity to in-shore traffic (i.e., traffic between the Santa Barbara Channel (SBC) TSS and the coastline).                           |
| (S) Grace.....  | 500 .....                                  | Vessels under 100 GRT without tows.                              | OCSLA..... | Close proximity to in-shore traffic, the SBC TSS and traffic generators: (1) Carpenteria off-shore tanker mooring, (2) Santa Barbara harbor. |
| (S) Herman .....  | 500 .....                                  | Vessels under 100 GRT without tows and Kelp harvesting vessels.  | PWSA ..... | Close proximity to proposed onshore LNG facility at Pt. Conception.  |
| (S) Holly .....   | 500 .....                                  | Vessels under 100 GRT without tows, and kelp harvesting vessels. | PWSA ..... | Close proximity to Elwood off-shore tanker terminal.   |
| (S) Union C.....  | 500 .....                                  | Vessels under 100 GRT without tows.                              | OCSLA..... | Close proximity to in-shore traffic and the Carpenteria Off-shore tanker mooring.  |
| (S) Hillhouse.....  | 500 .....                                  | ...do.....   | OCSLA..... | Do.  |
| (S) Houchin .....   | 500 .....                                  | ...do.....   | OCSLA..... | Do.  |
| (S) Union B.....  | 500 .....                                  | ...do.....   | OCSLA..... | Do.  |
| (S) Union A.....  | 500 .....                                  | ...do.....   | OCSLA..... | Do.  |
| (S) Hogan .....   | 500 .....                                  | ...do.....   | OCSLA..... | Do.  |
| (S) Hope .....  | 500 .....                                  | ...do.....   | PWSA ..... | Do.  |
| (S) Hazel.....  | 500 .....                                  | ...do.....   | PWSA ..... | Do.  |
| (S) Helde.....  | 500 .....                                  | ...do.....   | PWSA ..... | Do.  |
| (S) Belmont .....   | 500 .....                                  | ...do.....   | PWSA ..... | Close proximity to the following: (1) Long Beach Harbor anchorages, (2) U.S. Navy Weapons Station, Seal Beach.                               |
| (S) Eva .....   | 500 .....                                  | ...do.....   | PWSA ..... | Close proximity to Huntington Beach Offshore tanker mooring.   |
| (S) Emmy .....  | 500 .....                                  | ...do.....   | PWSA ..... | Do.  |

Notes.—(1) At this stage, only maximum size safety zones appear appropriate.

(2) Artificial islands were not considered as vessels would run aground before they could inflict damage to the island.

(3) Most traffic near any of these structures would be carrying at least some sort of hazardous material.



Comments are invited on the necessity of safety zones, their size and regulations with respect to particular locations and any other comments that would be useful toward the proposed rulemaking.

D. C. THOMPSON,  
Acting District Commander,  
Eleventh Coast Guard District.

JANUARY 29, 1979.

[FR Doc 79-4985 Filed 2-16-79; 8:45 am]

[6560-01-M]

## ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 65]

[EPL 1061-6]

### STATE AND FEDERAL ADMINISTRATIVE ORDERS PERMITTING A DELAY IN COMPLIANCE WITH STATE IMPLEMENTATION PLAN REQUIREMENTS

Proposed Approval of an Administrative Order  
Issued By Ohio Environmental Protection  
Agency To Dayton Power and Light

AGENCY: U.S. Environmental Protection Agency.

ACTION: Proposed Rule.

**SUMMARY:** U.S. EPA proposes to approve an Administrative Order issued by the Ohio Environmental Protection Agency to Dayton Power and Light. The Order requires the Company to bring air emissions from two coal-fired boilers at the Longworth Street Steam Station (boilers #1 and #2) and two coal-fired boilers at the Third Street Steam Plant (boilers #1A and #2A) in Dayton, Ohio, into compliance with certain regulations contained in the federally approved Ohio State Implementation Plan by June 30, 1979, for boiler #1; March 25, 1979, for boiler #2; June 4, 1979, for boilers #1A and #2A. Because the Order has been issued to a major source and permits a delay in compliance with provisions of the SIP, it must be approved by U.S. EPA before it becomes effective as a Delayed Compliance Order under the Clean Air Act (the Act). If approved by U.S. EPA, the Order will constitute an addition to the SIP. In addition, a source in compliance with an approved Order may not be sued under the Federal enforcement or citizen suit provisions of the Act for violations of the SIP regulations covered by the Order.

The purpose of this notice is to invite public comment on U.S. EPA's proposed approval of the Order as a Delayed Compliance Order.

**DATE:** Written comments must be received on or before March 22, 1979.

**ADDRESSES:** Comments should be submitted to Director, Enforcement Division, U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604. The State Order, supporting material, and public comments received in response to this notice may be inspected and copied (for appropriate charges) at this address during normal business hours.

### FOR FURTHER INFORMATION CONTACT:

Cynthia Colantonio, Enforcement Division, U.S. Environmental Protection Agency Region V, 230 South Dearborn Street, Chicago, Illinois 60604, Telephone (312) 353-2082.

**SUPPLEMENTARY INFORMATION:** Dayton Power and Light operates two steam stations at Dayton, Ohio. The Order under consideration addresses emissions from boilers #1 and #2 at the Longworth Street Steam Plant and boilers #1A and #2A at the Third Street Steam Station, which are subject to Ohio Administrative Code 3745-17-07 and 3745-17-10. The regulations limit the emissions of particulate matter, and are part of the federally approved Ohio State Implementation Plan. The Order requires final compliance with the regulations by June 30, 1979, for boiler #1; March 25, 1979, for boiler #2; and June 4, 1979, for boilers #1A and #2A by converting the boilers to burn fuel oil.

Because this Order has been issued to a major source of particulate matter emissions and permits a delay in compliance with the applicable regulations, it must be approved by U.S. EPA before it becomes effective as a Delayed Compliance Order under Section 113(d) of the Act. U.S. EPA may approve the Order only if it satisfies the appropriate requirements of this subsection.

If the Order is approved by U.S. EPA, source compliance with its terms would preclude Federal enforcement action under Section 113 of the Act against the source for violations of the

regulations covered by the Order during the period the Order is in effect. Enforcement against the source under the citizen suit provision of the Act (Section 304) would be similarly precluded. If approved, the Order would also constitute an addition to the Ohio SIP.

All interested persons are invited to submit written comments on the proposed Order. Written comments received by the date specified above will be considered in determining whether U.S. EPA may approve the Order. After the public comment period, the Administrator of U.S. EPA will publish in the FEDERAL REGISTER the Agency's final action on the Order in 40 CFR Part 65.

(42 U.S.C. 7413, 7601.)

Dated: February 1, 1979.

VALDAS V. ADAMKUS,  
Acting Regional Administrator,  
Region V.

### 113(d) ORDER—MAJOR SOURCES

#### BEFORE THE OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of: The Dayton Power and Light Company, Dayton, Ohio.

#### ORDER

The Director of Environmental Protection, (hereinafter "Director"), hereby makes the following Findings of Fact and, pursuant to Sections 3704.03(S) and (I) of the Ohio Revised Code and in accordance with Section 113(d) of the Clean Air Act, as amended, 42 U.S.C. 7401 *et seq.*, issues the following Orders which will not take effect until the Administrator of the United States Environmental Protection Agency has approved their issuance under the Clean Air Act:

#### FINDINGS OF FACT

1. The Dayton Power and Light Company (DP&L) is a corporation organized under the laws of the State of Ohio and a public utility and a heating and cooling company as defined by Sections 4905.02 and 4905.03, Revised Code of Ohio, serving approximately 460 steam consumers in the City of Dayton, Ohio.

2. DP&L owns and operates, at its plants known as the Longworth Street Steam Station and the Third Street Steam Station, Dayton, Ohio, certain facilities, including six stoker coal-fired boilers which emit air contaminants. The location, identification number, rated heat input, and Ohio Environmental Protection Agency (OEPA) designated source and application number of each of said boilers is set forth below:

## Longworth Street Steam Station

| Boller <sup>1</sup> | Rated heat input <sup>2</sup> | OEPA Source and Application No. |
|---------------------|-------------------------------|---------------------------------|
| 1                   | 171.4                         | 0857040016B001                  |
| 2                   | 166.8                         | 0857040016B002                  |
| 3                   | 163.7                         | 0857040016B003                  |
| 4                   | 296.9                         | 0857040016B004                  |

<sup>1</sup>Identification No.<sup>2</sup>In million Btu per hour.

## Third Street Steam Station

| Boller <sup>1</sup> | Rated heat input <sup>2</sup> | OEPA Source and Application No. |
|---------------------|-------------------------------|---------------------------------|
| 1A                  | 184.7                         | 0857040014B001                  |
| 2A                  | 184.7                         | 0857040014B002                  |

<sup>1</sup>Identification No.<sup>2</sup>In million Btu per hour.

3. In the course of operation of boilers numbered 1 and 2 at Longworth Street Steam Station and 1A and 2A at Third Street Steam Station, air contaminants are emitted in violation of OAC rules 3745-17-10 and 3745-17-07.

4. DP&L is unable to immediately comply with OAC rules 3745-17-10 and 3745-17-07.

5. Potential emissions of particulate matter for each boiler exceed 100 tons per year, and, thus, each constitutes a major source or facility under Section 302(j) of the Clean Air Act, as amended.

6. Implementation by DP&L of the interim requirements contained in the Orders below will fulfill the requirements of Section 113(d)(7) of the Clean Air Act, as amended.

7. The boilers located at Longworth Street Steam Station and Third Street Steam Station are equipped with monitoring devices sufficient to meet the requirements of Section 113(d)(1)(C) of the Clean Air Act, as amended, and chapter 3704 of the Ohio Revised Code.

8. The compliance schedule set forth in the Orders below requires compliance with OAC rules 3745-17-10 and 3745-17-07 as expeditiously as practicable.

9. The Director's determination to issue the Orders set forth below is based upon his consideration of reliable, probative and substantial evidence relating to the technical feasibility and economic reasonableness of compliance with such Orders, and their relation to benefits to the people of the State to be derived from such compliance.

## ORDERS

Whereupon, after due consideration of the above Findings of Fact, the Director hereby issues the following Orders pursuant to Sections 37.04(S) and (I) of the Ohio Revised Code in accordance with Section 113(d) of the Clean Air Act, as amended, 42 U.S.C., 7401 *et seq.*, which will not take effect until the Administrator of the United States Environmental Protection Agency has approved their issuance under the Clean Air Act.

1. DP&L shall bring boilers numbered 1 and 2 at Longworth Street Steam Station and 1A and 2A at Third Street Steam Station into final compliance with OAC rules

3745-17-10 and 3745-17-07 no later than June 30, 1979.

2. Compliance with Order One above shall be achieved by DP&L through conversion of the boilers specified in Order #1 to burn #2 fuel oil in accordance with the following schedule on or before the dates specified:

| Milestone  | Longworth 1    | Longworth 2    |
|--|----------------|----------------|
| 1. Award Contract .....                              | Sept. 11, 1978 | Sept. 11, 1978 |
| 2. Receive Preliminary Drawings .....                | Feb. 10, 1979  | Oct. 16, 1978  |
| 3. Final Drawing Approval .....                      | Mar. 20, 1979  | Nov. 30, 1978  |
| 4. Receive Equipment .....                           | June 25, 1979  | Mar. 17, 1979  |
| 5. Cease Boiler Operation and Begin Modification ... | June 30, 1979  | Mar. 25, 1979  |

| Milestone  | Third Street 1A | Third Street 2A |
|--|-----------------|-----------------|
| 1. Award Contract .....                              | Sept. 11, 1978  | Sept. 11, 1978  |
| 2. Receive Preliminary Drawings .....                | Jan. 3, 1979    | Jan. 3, 1979    |
| 3. Final Drawing Approval .....                      | Feb. 17, 1979   | Feb. 17, 1979   |
| 4. Receive Equipment .....                           | May 26, 1979    | May 26, 1979    |
| 5. Cease Boiler Operation and Begin Modification ... | June 4, 1979    | June 4, 1979    |

3. Following the cessation of each boiler called for in milestone number 5 of the schedule in Order Two above, no boiler may be restarted unless in compliance with OAC rules 3745-17-10 and 3745-17-07. Prior to the restart of each boiler specified in Order One, DP&L shall apply for and obtain the necessary permits to operate as required by Chapter 3704 of the Ohio Revised Code and the regulations promulgated thereunder.

4. Pending achievement of compliance with Order One above, DP&L shall comply with the following interim requirements which are determined to be reasonable and to be the best practicable systems of emission reduction, and which are necessary to ensure compliance with OAC rules 3745-17-10 and 3745-17-07 insofar as DP&L is able to comply with them during the period this Order is in effect in accordance with Section 113(d)(7) of the Clean Air Act, as amended. Such interim requirements shall include:

a. DP&L shall continue to use coal with a monthly average analysis of less than 11.0 percent ash and greater than or equal to 11,890 Btu/# in order to minimize emissions from the Longworth Street Steam Station and the Third Street Steam Station.

b. DP&L shall to the extent possible minimize emissions of particulate matter from the Longworth Street Steam Station and the Third Street Steam Station through on line loading of least polluting boilers first. Boilers will be environmentally loaded in the following order:

1. Longworth Boiler No. 4
2. Longworth Boiler No. 3
3. Third Street Boilers No. 1A and 2A
4. Longworth Boilers No. 1 and 2

c. DP&L shall continue operation and maintenance of boilers numbered 1A and 2A at Third Street Steam Station and 1 and 2 at Longworth Street Steam Station, plus all associated control equipment and in-stack

monitoring devices in accordance with good engineering standards and practices.

5. Within five (5) days after the scheduled achievement date of each of the increments of progress specified in the compliance schedule in Order Two above, DP&L shall submit a written progress report to RAPCA. The person submitting these reports shall certify whether each increment of progress has been achieved and the date it was achieved. Each report shall include a summary of DP&L's compliance with the interim requirements specified in Order 4 above.

6. DP&L shall maintain and operate the emissions monitoring equipment currently installed at Longworth Street Steam Station and Third Street Steam Station and shall report to the Regional Air Pollution Control Agency, 451 West Third Street, Dayton, Ohio 45402, all instances whereby opacity readings equal or exceed twenty percent opacity for an aggregate period of time greater than three minutes in any one hour or equal or exceed sixty percent opacity at any time. Said reporting to RAPCA shall be made upon the discovery of the immissions and shall include an explanation of the cause of emissions and a plan for bringing the emissions under control.

7. DP&L is hereby notified that unless it is exempted under Section 120(a)(2)(B) or (C) of the Clean Air Act, an amended, operation of boilers numbered 1A and 2A at the Third Street Steam Station and boilers numbered 1 and 2 at the Longworth Street Steam Station not in compliance with Order One above after June 30, 1979, may result in a requirement to pay a non-compliance penalty under Section 120 of the Clean Air Act, as amended.

8. The above Orders shall terminate and become void when DP&L obtains a permit to operate said boilers numbered 1A and 2A at Third Street Steam Station and boilers numbered 1 and 2 at Longworth Street Steam Station.

These orders will not take effect until the Administrator of the United States Environmental Protection Agency has approved their issuance under the Clean Air Act.

NED E. WILLIAMS, P.E.

Director of  
Environmental Protection.

## WAIVER

The Dayton Power and Light Company agrees that the attached Findings and Orders are lawful and reasonable and agrees to comply with the attached Orders. The Dayton Power and Light Company hereby waives the right to appeal the issuance or terms of the attached Findings and Orders to the Environmental Board of Review, and it hereby waives any and all rights it might have to seek judicial review of said Findings and Orders either in law or equity. The Dayton Power and Light Company also waives any and all rights it might have to seek judicial review of any approval by U.S. EPA of the attached Findings and Orders or to seek a stay of enforcement of said Findings and Orders.

HOWARD R. PALMER,  
Authorized Representative of  
the Dayton Power & Light Co.

[FR Doc. 79-5243 Filed 2-16-79; 8:45 am]

[6560-01-M]

[40 CFR Part 65]

[FRL 1061-5]

**STATE AND FEDERAL ADMINISTRATIVE ORDERS PERMITTING A DELAY IN COMPLIANCE WITH STATE IMPLEMENTATION PLAN REQUIREMENTS**

Proposed Approval of an Administrative Order Issued by Ohio Environmental Protection Agency to American Materials Corp.

AGENCY: U.S. Environmental Protection Agency.

ACTION: Proposed Rule.

**SUMMARY:** U.S. EPA proposes to approve an Administrative Order issued by the Ohio Environmental Protection Agency to American Materials Corporation. The Order requires the company to bring air emissions from its crushed slag processing plant in Middletown, Ohio, into compliance with certain regulations contained in the federally approved Ohio State Implementation Plan (SIP) by July 1, 1979. Because the Order has been issued to a major source and permits a delay in compliance with provisions of the SIP, it must be approved by U.S. EPA before it becomes effective as a Delayed Compliance Order under the Clean Air Act (the Act). If approved by U.S. EPA, the Order will constitute an addition to the SIP. In addition, a source in compliance with an approved Order may not be sued under the Federal Enforcement or citizen suit provisions of the Act for violations of the SIP regulations covered by the Order. The purpose of this notice is to invite public comment on U.S. EPA's proposed approval of the Order as a Delayed Compliance Order.

**DATE:** Written comments must be received on or before March 22, 1979.

**ADDRESSES:** Comments should be submitted to Director, Enforcement Division, U.S. EPA, Region V, 230 South Dearborn Street, Chicago, Illinois 60604. The State Order, supporting material, and public comments received in response to this notice may be inspected and copied (for appropriate charges) at this address during normal business hours.

**FOR FURTHER INFORMATION CONTACT:**

Cynthia Colantoni, Enforcement Division, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604, telephone (312) 353-2082.

**SUPPLEMENTARY INFORMATION:** American Materials Corporation operates a crushed slag processing plant at Middletown, Ohio. The Order under consideration addresses emissions from the facility, which are subject to

Ohio Administrative Code 3745-17-07 and 3745-17-11. The regulations limit the emissions of particulate matter, and are part of the federally approved Ohio State Implementation Plan. The Order requires final compliance with the regulation by July 1, 1979, through the installation of a venturi type wet scrubber.

Because this Order has been issued to a major source of particulate matter emissions and permits a delay in compliance with the applicable regulations, it must be approved by U.S. EPA before it becomes effective as a Delayed Compliance Order under Section 113(d) of the Act. U.S. EPA may approve the Order only if it satisfies the appropriate requirements of this subsection.

If the Order is approved by U.S. EPA, source compliance with its terms would preclude Federal enforcement action under Section 113 of the Act against the source for violations of the regulations covered by the Order during the period the Order is in effect. Enforcement against the source under the citizen suit provisions of the Act (Section 304) would be similarly precluded. If approved, the Order would also constitute an addition to the Ohio SIP.

All interested persons are invited to submit written comments on the proposed Order. Written comments received by the date specified above will be considered in determining whether U.S. EPA may approve the Order. After the public comment period, the Administrator of U.S. EPA will publish in the FEDERAL REGISTER the Agency's final action on the Order in 40 CFR Part 65.

(42 U.S.C. 7413, 7601)

Dated: February 1, 1979.

VALDAS V. ADAMKUS,  
Acting Regional Administrator,  
Region V.

**BEFORE THE OHIO ENVIRONMENTAL PROTECTION AGENCY**

In the Matter of: American Materials Corp., Plant No. 752, 3024 Oxford State Road, Middletown, Ohio 45042.

**ORDER**

The Director of Environmental Protection, (hereinafter "Director"), hereby makes the following Findings of Fact and, pursuant to Section 3704.03(I) and (S) and 3704.031 of the Ohio Revised Code and in accordance with Section 113(d) of the Clean Air Act, as amended, 42 U.S.C. 7401 *et seq.*, issues the following Orders which will not take effect until the Administrator of the United States Environmental Protection Agency has approved their issuance under the Clean Air Act.

**FINDINGS OF FACT**

1. The American Materials Corporation, (hereinafter "American Materials") operates crushed slag processing Plant No. 752

(hereinafter "Plant No. 752") which serves its facility located at 3024 Oxford State Road, Middletown, Ohio.

2. In the course of operation of said Plant No. 752, air contaminants are emitted in violation of rules of the Ohio Administration Code 3745-17-07 and 3745-17-11.

3. American Materials is unable to immediately comply with OAC-3745-17-07 and OAC-3745-17-11.

4. Potential emissions of particulate matter from Plant No. 752 are approximately 155 tons per year; therefore American Materials constitutes a major source under Section 302(j) of the Clean Air Act, as amended.

5. The compliance schedule set forth in the Orders below requires compliance with OAC-3745-17-07 and OAC-3745-17-11 as expeditiously as practicable.

6. Implementation by American Materials of the interim requirements contained in the Orders below will fulfill the requirements of Section 113(d)(7) of the Clean Air Act, as amended.

7. The Director's determination to issue the Orders set forth below is based upon his consideration of reliable, probative and substantial evidence relating to the technical feasibility and economic reasonableness of compliance with such Orders, and their relation to benefits to the people of the State to be derived from such compliance.

**ORDERS**

Whereupon, after due consideration of the above Findings of Fact, the Director hereby issues the following orders pursuant to Section 3704.03(I) and (S) and 3704.031 of the Ohio Revised Code in accordance with Section 113(d) of the Clean Air Act, as amended, 42 U.S.C. 7401 *et seq.*, which will not take effect until the Administrator of the United States Environmental Protection Agency has approved their issuance under the Clean Air Act.

1. American Materials shall bring its Plant No. 752 located at 3024 Oxford State Road, Middletown, Ohio into final compliance with OAC-3745-17-07 and OAC-3745-17-11 by installing a Venturi type wet scrubber no later than July 1, 1979.

2. Compliance with Order (1) above shall be achieved by American Materials in accordance with the following schedule on or before the dates specified:

|   |                  |
|---|------------------|
| Submit final control plans.....   | Complete         |
| Issue purchase orders and award contracts or American Materials will arrange for its own construction crews to do construction..... | Complete         |
| Begin on site construction.....   | February 1, 1979 |
| Complete on site construction.....  | February 1, 1979 |
| Complete emission tests (if necessary) to verify compliance.....  | July 1, 1979     |
| Achieve final compliance with July 1, 1979 OAC-3745-17-07 and OAC-3745-17-11.....   | July 1, 1979     |

3. Pending achievement of compliance with Order (1) above, American Materials shall comply with the following interim requirements which are determined to be reasonable and to be the best practicable system of emission reduction, and which are necessary to ensure compliance with OAC-3745-17-07 and OAC-3745-17-11 insofar as American Materials is able to comply with them during the period this Order is in effect in accordance with Section 113(d)(7) of the Clean Air Act, as amended. Such interim requirements shall include:

## PROPOSED RULES

A. American Materials shall immediately institute a regular maintenance program to minimize emissions from the crushed slag processing Plant No. 752.

B. American Materials shall maintain a moderate process rate at said Plant No. 752 to minimize emissions.

C. American Materials shall continue to operate and maintain the existing in-plant baghouse in accordance with good engineering practice to minimize emissions from Plant No. 752.

D. American Materials shall control fugitive dust emissions from the roadways at the plant site through the proper application of dust suppression agents such as oil, water, etc.

4. Beginning October 1, 1978 and every month thereafter until final compliance on July 1, 1979, American Materials shall submit a progress report to Southwestern Ohio Air Pollution Control Division, 901 Atkinson Square, Cincinnati, Ohio 45246. The person submitting these reports shall certify (a) the status of compliance with the interim control requirements and (b) the progress, made on the above compliance schedule including, if applicable, the date compliance was achieved.

5. If Southwestern Ohio Air Pollution Control Division determines it is necessary, American Materials shall conduct emission tests on the crushed slag processing Plant No. 752 to verify compliance with Order (1) above. Such tests shall be conducted no later than the date specified in the compliance schedule in Order (2) above in accordance with procedures approved by the Director. Notification of intent to test shall be provided to the Southwestern Ohio Air Pollution Control Division thirty (30) days prior to the testing date. Test results shall be submitted to and received by that office no later than July 1, 1979.

6. American Materials shall install a continuous monitoring system on the venturi scrubber at Plant No. 752, Middletown, Ohio. This monitor shall measure pressure drop on a continuous recorder and shall be installed, calibrated, maintained, and operated in accordance with the procedures set forth in 40 CFR 60.13 and shall be properly calibrated and operational by February 1, 1979.

All data resulting from the operation of the continuous monitoring system shall be stored for a period of two (2) years and made available for inspection by U.S. EPA, Ohio EPA, or its agents upon request.

In addition, after February 1, 1979, Southwestern Ohio Air Pollution Control shall immediately be notified of any control equipment breakdowns, opacity violations, or continuous monitoring system malfunctions in accordance with OAC-3745-15-06.

7. American Materials is hereby notified that unless it is exempted under Section 120(a) (2) (B) or (C) of the Clean Air Act, as amended, failure to achieve final compliance with Order (1) above by July 1, 1979, will result in a requirement to pay a non-compliance penalty under Section 120 of the Clean Air Act, as amended.

These orders will not take effect until the Administrator of the United States Environ-

mental Protection Agency has approved their issuance under the Clean Air Act.

NED E. WILLIAMS, P.E.,  
Director of  
Environmental Protection.

## WAIVER

The American Materials Corporation agrees that the attached Findings and Orders are lawful and reasonable and agrees to comply with the attached Orders. The American Materials Corporation hereby waives the right to appeal the issuance or terms of the attached Findings and Orders to the Environmental Board of Review, and it hereby waives any and all rights it might have to seek judicial review of said Findings and Orders either in law or equity. The American Materials Corporation also waives any and all rights it might have to seek judicial review of any approval by U.S. EPA of the attached Findings and Orders or to seek a stay of enforcement of said Findings and Orders in connection with any judicial review of Ohio's air implementation plan or portion thereof.

PIERRE V. COPPER, Jr.,  
Authorized Representative of  
American Materials Corp., Plant No.  
752.

[FR Doc. 79-5244 Filed 2-16-79; 8:45 am]

[4110-85-M]

# DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

[42 CFR Part 50]

## CONSOLIDATION OF GRANTS TO THE INSULAR AREAS

Proposed Implementation Regulations

AGENCY: Public Health Service,  
HEW.

ACTION: Notice of Proposed Rule-making.

SUMMARY: This regulation will implement the program of consolidated grants to the Insular Areas, as authorized by Title V of Pub. L. 95-134 (the Omnibus Territories Act). Title V provides authority for, but does not require, each Federal Department to consolidate into a single grant all existing grant funding to the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands (hereafter referred to as the "Insular Areas"). The Department of Health, Education, and Welfare decided that the Public Health Service (PHS) would make its formula grant allocations eligible for such consolidation. Accordingly, this regulation specifies those formula grant programs for which an Insular Area may request consolidated grant support. The regulation also contains sections dealing with the application and grant award process and with postaward programmatic, fiscal, and administrative requirements.

DATES: Comments must be received on or before April 23, 1979, in order to assure that the Secretary will be able to consider such comments in preparing the final regulations.

ADDRESS: Send comments on the proposed rules in duplicate to the Deputy Executive Officer, 5600 Fishers Lane, Parklawn Building, Room 17-25, Rockville, Maryland 20857. Comments received will be available for public inspection and copying at the Grants Management Branch, Division of Grants and Contracts, at the above address (Room 18A-03), weekdays (Federal holidays excepted) between the hours of 8:30 a.m. and 5:00 p.m.

### FOR FURTHER INFORMATION CONTACT:

Theodore J. Roumel, Chief, Grants Management Branch, Division of Grants and Contracts, Room 18A-03 at the above address. (Telephone: 301-443-1874.)

SUPPLEMENTARY INFORMATION: Notice is hereby given that the Assistant Secretary for Health of the Department of Health, Education, and Welfare, with the approval of the Secretary, proposes to add Subpart F to Part 50 of Title 42 of the Code of Federal Regulations to implement the authority provided by Title V of Pub. L. 95-134 (the Omnibus Territories Act).

The following is a summary of the major features of the regulation:

(1) Section 50.605(b) states that an Insular Area must notify the Secretary at least 60 days prior to any reprogramming of funds so that appropriate technical assistance can be provided to assist an Insular Area in carrying out its reprogramming decisions.

(2) Pursuant to § 50.606(b), all grant funds are subject to the particular regulatory provisions of the program (as specified in § 50.601) for which the funds are expended.

(3) Section 50.606(c) permits the submission annually of a single program performance report with separate sections devoted to each program for which consolidated grant funds were awarded.

(4) Section 50.606(d) permits the submission annually of a single Financial Status Report reflecting consolidated grant expenditures for each program for which grant funds were awarded and expended.

It is proposed to add Subpart F to Part 50 as set forth below.

Dated: December 6, 1978.

JULIUS B. RICHMOND,  
Assistant Secretary for Health.

Approved: February 10, 1979.

JOSEPH A. CALIFANO, Jr.,  
Secretary.

## Subpart F—Consolidation of Grants to the Insular Areas

Sec.

- 50.601 To what programs do these regulations apply?  
 50.602 Definitions.  
 50.603 What is the annual grant application process?  
 50.604 How will grant awards be made?  
 50.605 What are the rules on reprogramming funds?  
 50.606 What fiscal and administrative requirements apply to grantees?

AUTHORITY: Sec. 501 of Pub. L. 95-134, 91 Stat. 1164 (48 U.S.C. 1469a)

## Subpart F—Consolidation of Grants to the Insular Areas

## § 50.601 To what programs do these regulations apply?

These regulations apply to the consolidation of formula grant support to the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Government of the Northern Mariana Islands under two or more of the following Public Health Service formula grant programs:

| Title   | Regulatory citation         | OMB Catalog No. |
|---|-----------------------------|-----------------|
| (a) Alcohol formula grants.....               | 42 CFR 54a.201-54a.215....  | 13.257          |
| (b) Drug abuse prevention formula grants..... | 42 CFR Part 54b.....        | 13.259          |
| (c) Comprehensive public health services..... | 42 CFR 51.101-51.105.....   | 13.210          |
| (d) Hypertension program.....                 | 42 CFR Part 51.....         | 13.882          |
| (e) Crippled children's services.....         | 42 CFR 51a.101-51a.143..... | 13.211          |
| (f) Maternal and child health services.....   | 42 CFR 51a.101-51a.143..... | 13.232          |

## § 50.602 Definitions.

As used in this subpart:

(a) "Insular Area" means the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, or the Government of the Northern Mariana Islands.

(b) "Insular Area Agency" means the public health agency designated by an Insular Area for administering or supervising the administration of a consolidated grant.

(c) "Consolidated grant" means the single annual grant award to an Insular Area Agency, the funds of which are derived from the formula allocations under two or more of the programs specified in § 50.601.

(d) "Reprogramming" means the postaward shifting of consolidated grant funds from one of the programs specified in § 50.601 to another of the programs specified in § 50.601.

(e) "Secretary" means the Secretary of Health, Education, and Welfare and any other officer or employee of the Department of Health, Education, and Welfare to whom the authority involved has been delegated.

## § 50.603 What is the annual grant application process?

(a) An Insular Area may apply for a grant award consolidating any two or more of those formula grant programs specified in § 50.601. The consolidated grant application will be in lieu of the submission of applications, budgets, or any supporting documentation which must be annually submitted under the programs to be consolidated. The grant application must be submitted

to the Secretary at such time as the Secretary may prescribe. The application must contain:

(1) A State Health Plan or Application Budget (Form PHS-5153-2), containing the best estimate of financial resources available to support each program for which consolidated grant support is requested.

(2) A description of the proposed program objectives to be attained by the Insular Area during the coming year for each program for which consolidated grant support is requested.

(3) A single State Plan Certification (Form PHS-5153-1) applicable to all the formula grant programs to be consolidated, signed by the head of the Insular Area Agency, unless a current single Certification for those formula grant programs is already on file.

(b) This single Certification Form will replace the Certification Forms for each of the formula grant programs which are to be included in the consolidated grant award. The single Certification Form will be considered current unless, subsequent to the date the Certification is signed—

(1) A different Insular Area Agency is designated;

(2) The head of the Insular Area Agency is changed;

(3) The Insular Area documents incorporated by reference are replaced or significantly revised; or

<sup>1</sup>This form is provided by the PHS Regional Grants Management Officer at the Regional Office of the Department of Health, Education, and Welfare for the region in which the applicant is located.

(4) Substantive changes in the applicable Federal statutes or regulations are made.

(c) The Insular Area Agency is responsible for notifying the Secretary of each of the changes listed in paragraphs (b)(1), (b)(2), and (b)(3) of this section and its effect on the State Plans. The Secretary then will determine the extent to which a review of State Plans should be conducted. The Secretary will notify the Insular Area Agency of any new review requirements resulting from the changes specified in paragraph (b)(4) of this section.

## § 50.604 How will grant awards be made?

The Secretary will annually award a consolidated grant to each Insular Area which meets the requirements of this subpart and of each of the programs for which consolidated grant support is requested. A Notice of Formula Grant Award (Form PHS-5153-3) will be mailed to the grantee, setting forth the amount of funds granted by program and indicating the period for which such funds will be available for obligation by the grantee.

## § 50.605 What are the rules on reprogramming funds?

(a) The amount of a consolidated grant is the sum of the formula allocations under each of the programs (specified in § 50.601) for which consolidated grant support is approved by the Secretary. Insular Area Agencies may reprogram all or part of that amount from one program to another, subject to the requirements of this section.

(b) Reprogramming is permitted only when funds authorized for the receiving program are insufficient to meet current financial requirements.

(c) The Insular Area Agency must notify the Secretary at least 60 days prior to any reprogramming of funds. This period will enable the Secretary to provide technical assistance, as appropriate, to aid an Insular Area in carrying out its decisions.

(d) Limitations on the period of availability of funds continue to apply even if the funds are reprogrammed. Unexpended funds available for use in a future year may only be reprogrammed when both the recipient program and the program from which funds are originally derived are included in that future year's consolidated grant.

(e) Funds may not be reprogrammed after the period of their availability for obligation has expired.

§ 50.606 What fiscal and administrative requirements apply to grantees?

(a) The provisions of 45 CFR Part 74, establishing uniform administrative requirements and cost principles, shall apply to all consolidated grants made under this subpart.

(b) All grant funds, including those that have been reprogrammed (see § 50.605), are subject to the regulatory provisions (including any matching requirements) of the program for which the funds are expended.

(c) A single program performance report must be submitted annually to the Secretary at such time as the Secretary may prescribe and in a manner consistent with the provisions in 45 CFR 74.82. This report shall include a section for each program for which consolidated grant funds are awarded and shall measure the progress made in attaining previously stated objectives. (See § 50.603(a)(2).)

(d) A single Financial Status report (Form PHS-5154) must be submitted annually to the Secretary at the time

and in the manner prescribed in 45 CFR 74.73. The report must show the expenditures for each program within the consolidated grant. For those funds that are available for expenditure for more than one year, such reporting must continue on at least an annual basis through the period of fund availability and a final report must be submitted when all funds have been expended or when the period of fund availability has expired.

[FR Doc. 79-5277 Filed 2-16-79; 8:45 am]





(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

RICHARD M. SEPPA,  
Director,

*Statutory Import Programs Staff.*

[FR Doc. 79-5166 Filed 2-16-79; 8:45 am]

### [3510-25-M]

#### HARVARD MEDICAL SCHOOL

##### Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 6886C of the Department of Commerce Building, at 14th and Constitution Avenue, N.W., Washington, D. C. 20230.

**DOCKET NUMBER:** 78-00435. **APPLICANT:** Harvard Medical School, 25 Shattuck Street, Boston, Mass. 02115. **ARTICLE:** LKB 2258 PMV Cryo-Microtome and accessories. **MANUFACTURER:** LKBD Produkter AB, Sweden. **INTENDED USE OF ARTICLE:** The article is intended to be used for studies of biological materials, specifically tissue from animal species, such as monkey, cat, and rodents. Whole unfixed frozen animals' brains will be mounted in matrix of carboxymethyl cellulose frozen in metal frames and then sectioned at a relatively low temperature. The investigation includes measuring the rates of glucose consumption in the central nervous system by using the ( $C^{14}$ ) 2-deoxyglucose method and the autoradiography technique, followed by histological examination of the cells' morphology. The objectives of this research are to demonstrate the anatomical system and the function of the visual cortex's two independent systems: The ocular dominance columns and the orientation columns.

**COMMENTS:** No comments have been received with respect to this application. **DECISION:** Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. **REASONS:** The foreign article provides the capability to cut uniform frozen sections larger than 50 x 50 millimeters. The Department of Health, Education, and Welfare advises in its memorandum dated January 18, 1979 that (1) the capability of the foreign

article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,  
Director,

*Statutory Import Programs Staff.*

[FR Doc. 79-5165 Filed 2-16-79; 8:45 am]

### [3510-25-M]

#### IOWA STATE UNIVERSITY

##### Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 6886C of the Department of Commerce Building, at 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

**DOCKET NUMBER:** 79-00009. **APPLICANT:** Iowa State University, Ames, Iowa 50011. **ARTICLE:** FX 90Q MHz Integrated Broadband DQD FT NMR System and accessories. **MANUFACTURER:** JOEL Ltd., Japan. **INTENDED USE OF ARTICLE:** The article is intended to be used to obtain the  $^{13}C$  and  $^1H$  NMR spectra of organic molecules most of which will be new compositions of matter. The majority of the experiments will be routine structural analysis. Kinetic experiments may be performed occasionally as well as studies of functional molecules as a function of temperature. One set of experiments is presently planned detecting CIDNP in a reaction which may proceed via a radical pair mechanism. The article will also be used to prepare postgraduate students for a career in research.

**COMMENTS:** No comments have been received with respect to this application. **DECISION:** Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was

being manufactured in the United States at the time the foreign article was ordered (June 8, 1978). **REASONS:** The foreign article provides a 20 kilohertz spectral width (nearly 900 ppm for carbon 13). The most closely comparable domestic instrument, which was available at the time the foreign article was ordered is the Model FT-80A manufactured by Varian Associates, Instrument Division (Varian). The Model FT-80A provides a six kilohertz spectral width (300 ppm for carbon 13). The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated January 13, 1979 that (1) the wider spectral width of the foreign article is pertinent to the applicant's intended purposes and (2) it knows of no domestic instrument which provided the pertinent feature of the article at the time the foreign article was ordered.

We, therefore, find that the Model FT-80A was not of equivalent scientific value to the foreign article for such purposes as this article was intended to be used at the time the foreign article was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

RICHARD M. SEPPA,  
Director,

*Statutory Import Programs Staff.*

[FR Doc. 79-5161 Filed 2-16-79; 8:45 am]

### [3510-25-M]

#### MOUNT HOLYOKE COLLEGE ET AL

##### Consolidated Decision on Applications for Duty Entry of Nuclear Magnetic Resonance Spectrometers

The following is a consolidated decision on applications for duty-free entry of nuclear magnetic resonance spectrometers pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301). (See especially § 301.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 6886C of the Department of Commerce Building, at 14th and Constitution Avenue, N.W., Washington, D.C. 20230.



**DOCKET NUMBER:** 78-00381. **APPLICANT:** Mount Holyoke College, Department of Chemistry, Carr Laboratory, South Hadley, Mass. 01075. **ARTICLE:** Nuclear magnetic resonance spectrometer, model FX 90Q and accessories. **MANUFACTURER:** JEOL Analytical Instruments, Inc., Japan. **INTENDED USE OF ARTICLE:** The article is intended to be used to carry out a number of collaborative investigations covering a wide range of organic chemistry, inorganic chemistry, analytical chemistry, biochemistry, and pharmacology. The experiments to be conducted will include:

A. Measurement of  $^1\text{H}$ ,  $^{13}\text{C}$ ,  $^1\text{H}$ ,  $^{19}\text{F}$ ,  $^{15}\text{N}$ ,  $^{17}\text{O}$ ,  $^{31}\text{P}$ ,  $^{113}\text{Cd}$ ,  $^{23}\text{Na}$ ,  $^{35}\text{Cl}$ , and  $^{133}\text{Cs}$  chemical shifts with and without shift reagents present.

B. Measurement of coupling constants between  $^1\text{H}$  and  $^1\text{H}$ ,  $^{13}\text{C}$ ,  $^{19}\text{F}$ ,  $^{15}\text{N}$ , and  $^{31}\text{P}$ .

C. Measurement of spin lattice relaxation times,  $T_1$ , and the spin lattice relaxation time in the rotating coordinate system,  $T_{1\rho}$ , of  $^{13}\text{C}$ ,  $^1\text{H}$  and  $^{19}\text{F}$  to determine the relationship between  $T_1$ 's and conformations.

D. Measurement of nuclear Overhauser enhancement of  $^{13}\text{C}$  and  $^{15}\text{N}$  signals while irradiating  $^1\text{H}$  resonances.

E. Measurement of  $^1\text{H}$ - $^{13}\text{C}$  coupling constants in complex molecules such as steroids using spin-echo techniques.

The primary purpose of these studies is to determine the conformations and configurations of molecules in solution and to study their reactions. The article will also be used for educational purposes in the courses Chem. 332, Nuclear Magnetic Resonance Spectroscopy, Chem 295 Independent Study, Chem. 395 Independent Study, Chem 324 Advanced Techniques in Organic Chemistry Laboratory, and Chem 341 Graduate Research. **APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS:** August 23, 1978. **ADVICE SUBMITTED BY THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE ON:** January 13, 1979. **ARTICLE ORDERED:** March 2, 1978.

**DOCKET NUMBER:** 78-00404. **APPLICANT:** University of New Hampshire, Department of Chemistry, Durham, N.H. 03824. **ARTICLE:** High Resolution Fourier Transformation Multi-Nuclear Magnetic Resonance Spectrometer System and Accessories, Model JNM/FX-90Q. **MANUFACTURER:** JEOL Ltd., Japan. **INTENDED USE OF ARTICLE:** The article is intended to be used for studies of materials derived from research programs in the general areas of organic, inorganic physical, bioinorganic, environmental, and biochemistry. Pulse fourier transform NMR spectra will be obtained for  $^1\text{H}$ ,  $^1\text{H}$ ,  $^7\text{Li}$ ,  $^{11}\text{B}$ ,  $^{13}\text{C}$ ,  $^{15}\text{N}$ ,  $^{17}\text{O}$ ,  $^{19}\text{F}$ ,  $^{23}\text{Na}$ ,  $^{31}\text{P}$ ,  $^{199}\text{Hg}$ , and  $^{113}\text{Cd}$  on various molecules as required by the dif-

ferent projects. Chemical shifts, coupling constants, relaxation times, Nuclear Overhauser Effects, lineshapes and temperature effects on the spectral parameters will be employed to obtain structural and dynamic information above the various systems under investigation. **APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS:** August 31, 1978. **ADVICE SUBMITTED BY THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE ON:** January 13, 1979. **ARTICLE ORDERED:** March 24, 1978.

**COMMENTS:** No comments have been received in regard to any of the foregoing applications. **DECISION:** Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for the purposes for which the articles are intended to be used, was being manufactured in the United States at the time the articles were ordered. **REASONS:** Each foreign article provides the capability for making  $T_{1\rho}$  measurements. The Department of Health, Education, and Welfare (HEW) advises in its respectively cited memoranda that the specification of each article described above is pertinent to the purposes for which each of the foreign articles to which the foregoing applications relate is intended to be used. HEW also advises that it knows of no domestic instrument which provided the pertinent specification at the time the articles were ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which was being manufactured in the United States at the time the articles were ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,  
Director,

Statutory Import Programs Staff,  
[FR Doc. 79-5164 Filed 2-16-79; 8:45 am]

### [3510-25-M]

#### NATIONAL CENTER FOR TOXICOLOGICAL RESEARCH ET AL.

#### Applications for Duty Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or

apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Statutory Import Programs Staff, Bureau of Trade Regulation, U.S. Department of Commerce, Washington, D. C. 20230, on or before March 2, 1979.

Regulations (15 CFR 301.9) issued under the cited Act prescribe the requirements for comments.

A copy of each application is on file, and may be examined between 8:30 a.m. and 5:00 p.m., Monday through Friday, in room 6886C of the Department of Commerce Building, 14th and Constitution Avenue, N.W. Washington, D. C. 20230

**DOCKET NUMBER:** 79-00128. **APPLICANT:** National Center for Toxicological Research, Jefferson, AR 72079. **ARTICLE:** LKB 14800-3 Cryokit and Cryotools. **MANUFACTURER:** LKB Produkter AB, Sweden. **INTENDED USE OF ARTICLE:** The article is intended to be used for the study of elemental distribution within the individual tissue cells (from mammalian sources) using ultracryotomy followed by energy dispersive x-ray microanalysis. The primary experiment is a study of the ultrastructural toxicology of methyl mercury and effects of selenium intake on the manifestations of methyl mercury toxicity. **APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS:** January 19, 1979.

**DOCKET NUMBER:** 79-00135. **APPLICANT:** Iowa State University, Ames Laboratory, 126 Metallurgy Bldg., Ames, IA 50011. **ARTICLE:** Electron Microscope, Model JEM-100CX with Standard Side Entry Type and accessories. **MANUFACTURER:** JEOL Ltd., Japan. **INTENDED USE OF ARTICLE:** The article is intended to be used for assessment of microstructure as regards morphology, crystallography and chemical composition of metals, ceramics and semiconductors with major emphasis on metals. **APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS:** January 22, 1979.

**DOCKET NUMBER:** 79-00138. **APPLICANT:** National Radio Astronomy Observatory Associated Universities, Inc., 2010 N. Forbes Blvd., Suite 100, Tucson, Arizona 85705. **ARTICLE:** Repair of Varian Klystron Type VRT2124B6. **MANUFACTURER:** Varian Associates of Canada Ltd., Canada. **INTENDED USE OF ARTICLE:** The article is intended to be used as a phase-locked local oscillator in a millimeter wave radio astronomy receiver which is used in conjunction with a microwave antenna to measure the intensity, polarization, frequency and

direction of cosmic radiation. **APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS:** January 25, 1979.

**DOCKET NUMBER:** 79-00140. **APPLICANT:** National Institutes of Health, Rockville Pike, Bethesda, Maryland 20014. **ARTICLE:** Electron Microscope, JEM-100CX/SEG and Accessories. **MANUFACTURER:** JEOL Ltd., Japan. **INTENDED USE OF ARTICLE:** The article is intended to be used for high resolution imaging of the surfaces of virus infected cells to aid in the search for occult viruses in cultured cells. **APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS:** January 25, 1979.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

**RICHARD M. SEPPA,**  
*Director,*

*Statutory Import Programs Staff.*

[FR Doc. 79-5160 Filed 2-16-79; 8:45 am]

### [3510-25-M]

#### REGENTS OF THE UNIVERSITY OF CALIFORNIA ET AL

##### Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Statutory Import Programs Staff, Bureau of Trade Regulation, U.S. Department of Commerce, Washington, D.C. 20230, on or before March 2, 1979.

Regulations (15 CFR 301.9) issued under the cited Act prescribe the requirements for comments.

A copy of each application is on file, and may be examined between 8:30 a.m. and 5:00 p.m., Monday through Friday, in Room 6886C of the Department of Commerce Building, 14th and Constitution Avenue, N.W. Washington, D.C. 20230.

**DOCKET NUMBER:** 79-00127. **APPLICANT:** The Regents of the University of California, Riverside, Material Management Department, Riverside, California 92521. **ARTICLE:** Electron Microscope, Model EM-400 with Eucentric Goniometer Stage. **MANUFACTURER:** Philips Electronics Instruments NVD, The Netherlands. **IN-**

**TENDED USE OF ARTICLE:** The article is intended to be used for research in plant cell biology, as well as, for other investigations on cell ultrastructure, development, and function. In particular, the article will be used for examinations of thin sections of tissue and isolated material, negatively stained and shadowed-preparations, and freeze-fractured and freeze-etched material. Three-dimensional determination of cell, organelle, and membrane organization will also be done, which includes spatial mapping of structural features of stereological determinations of their interrelationships. Determinations of structural relations integrated in series from the tissue through the cell to the ultrastructural level will be done. With the features of scanning electron microscopy and elemental analysis, which can be easily added to this instrument, identifications of particular atomic elements and the determination of their localization, distribution, and relative quantities within tissues and cells will be investigated. In addition, the article will be used in the course, Biology 211, to teach students the principles of specimen preparation and electron optics, as well as how to use the electron microscope. **APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS:** January 19, 1979.

**DOCKET NUMBER:** 79-00129. **APPLICANT:** University of Rochester, 250 East River Road, Rochester, New York 14623. **ARTICLE:** 25-64 mm Dia. Phosphate Laser Rods and 20-90 mm Dia. Phosphate Laser Rods. **MANUFACTURER:** Hoya Optics Corporation, Japan. **INTENDED USE OF ARTICLE:** The article is intended to be used in the construction of a high peak power twenty-four beam line laser system which will be used to perform scientific experiments on the feasibility of generating energy via laser-induced thermo-nuclear fusions. The laser system will be used as a match, igniting a fuel pellet which then burns like the sun, emitting energetic particles which can heat a fluid and thereby generate electricity. The long term objective of present experiments is to determine whether one can generate significantly more electricity from the burning pellet than it took to ignite it in the first place. **APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS:** January 19, 1979.

**DOCKET NUMBER:** 79-00137. **APPLICANT:** North Carolina State University, Dept. of Marine Science, 218 Withers Hall, Raleigh, N.C. 27650. **ARTICLE:** Temperature Profile Recording Unit, Model TR-1. **MANUFACTURER:** Aanderaa Instruments Co., Norway. **INTENDED USE OF ARTI-**

**CLE:** The article is intended to be used for studies of Gulf Stream eddies along the continental slope off North Carolina in an effort to understand the cause(s) of eddy or wave like disturbances of the Gulf Stream. **APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS:** January 22, 1979.

**DOCKET NUMBER:** 79-00139. **APPLICANT:** Institute of Pathology/CWRU, 2085 Adelbert Road, Cleveland, Ohio 44106. **ARTICLE:** Electron Microscope, Model JEM-100CX with Side Entry Goniometer Stage and Accessories. **MANUFACTURER:** JEOL Ltd., Japan. **INTENDED USE OF ARTICLE:** The article is intended to be used for studies of parasitic protozoa such as *Plasmodium*, *Babesia*, *Toxoplasma*, *Leishmania* and *Trypanosoma*, and their host cells. The overall objective of the research is to study by transmission and scanning electron microscopy two important, yet poorly understood aspects of host-parasite interaction namely a) the mechanism of host cell invasion by the parasites and b) effects of antibodies on the parasites. **APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS:** January 25, 1979.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

**RICHARD M. SEPPA,**  
*Director,*

*Statutory Import Progress Staff.*

[FR Doc. 79-5159 Filed 2-16-79; 8:45 am]

### [3510-25-M]

#### UNIVERSITY OF ILLINOIS AT CHICAGO CIRCLE

##### Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 6886C of the Department of Commerce Building, at 14th and Constitution Avenue, NW, Washington, D.C. 20230.

**DOCKET NUMBER:** 79-00029. **APPLICANT:** University of Illinois at Chicago Circle, Department of Physics, P.O. Box 4348, Chicago, Ill. 60680. **ARTICLE:** Multigas Laser. **MANUFACTURER:** Lambda Physik, West Germany. **INTENDED USE OF ARTICLE:** The article is intended to be used for studies of atomic and molecular gases, particularly small molecular

systems such as the H<sub>2</sub>, N<sub>2</sub>, CO and OCS. Optical and collisional properties are to be measured (e.g., photoionization of existed states and collisional deactivation). A variety of experiments involving laser excitation, often by two quanta, enabling the determination of system properties will be conducted. The objective of these experiments is to determine the basic material properties under the influence of intense ultraviolet radiation.

**COMMENTS:** No comments have been received with respect to this application. **DECISION:** Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. **REASONS:** The foreign article provides a repetition rate from 0.05-20 Hertz with a minimum energy output of at least 100 millijoules. The National Bureau of Standards advises in its memorandum dated January 17, 1979 that (1) the combination of capabilities of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,  
Director,  
Statutory Import Programs Staff.

[FR Doc. 79-5167 Filed 2-16-79; 8:45 am]

### [3510-25-M]

#### UNIVERSITY OF VIRGINIA

#### Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act, of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 6886C of the Department of Commerce Building, at 14th and Constitution Avenue, NW., Washington, D.C. 20230.

**DOCKET NUMBER:** 78-00455. **APPLICANT:** University of Virginia, School of Medicine, Rehabilitation Engineering Center, P.O. Box 3368, University Station, Charlottesville, Va. 22903. **ARTICLE:** Wheelchair Manipulator and accessories. **MANUFACTURER:** Spar Aerospace Products Ltd., Canada. **INTENDED USE OF ARTICLE:** The article is a unique manipulator arm intended to be used for testing and evaluating purposes. The experiments to be conducted are of two basic types:

(1) Interface experiments conducted to establish the best ways of "connecting" the patient with the manipulator arm controls;

(2) Extensive testing with severely handicapped patients in order to establish what kind, and to what degree, microcomputer-assisted control is required.

**COMMENTS:** No comments have been received with respect to this application. **DECISION:** Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. **REASONS:** The foreign article provided three degrees of movement of the manipulator arm which is simplified by microcomputer logic. The Department of Health, Education, and Welfare advises in its memorandum dated January 18, 1979 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicants intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,  
Director,  
Statutory Import Programs Staff.

[FR Doc. 79-5163 Filed 2-16-79; 8:45 am]

### [3510-15-M]

#### Maritime Administration

#### FINAL ENVIRONMENTAL IMPACT STATEMENT

#### Availability

Notice is hereby given that copies of the U.S. Department of Commerce Final Environmental Impact Statement on the Maritime Administration

Title XI Tank Vessels Engaged in Domestic Trade will be filed with the U.S. Environmental Protection Agency and made available to the public on February 16, 1979. Copies of the statement will be available for public inspection at the following locations:

Maritime Administration, Office of Public Affairs, Room 3895, Department of Commerce, Washington, D.C. 20230.

Maritime Administration, Eastern Region Office, 26 Federal Plaza, New York, New York 10007.

Maritime Administration, Central Region Office, 1 TM Building No. 2 Canal Street, New Orleans, La. 70130.

Maritime Administration, Great Lakes Region Office, 666 Euclid Avenue, Room 600, Cleveland, Ohio 44114.

Maritime Administration, Western Region Office, 450 Golden Gate Avenue, San Francisco, California 94102.

Any questions concerning the statement should be directed to Dr. Sidney R. Galler, Deputy Assistant Secretary for Environmental Affairs, Department of Commerce, Washington, D.C. 20230, 202/377-4335.

The Final Statement entitled, "Maritime Administration Title XI Tank Vessels Engaged in Domestic Trade," refers to the continued and future financing of bulk liquid tank vessels used solely in domestic trade and constructed under Title XI of the Merchant Marine Act of 1936 as amended in 1970 (approximately 350 pages).

By order of the Assistant Secretary for Maritime Affairs, Maritime Administration.

Date: February 12, 1979.

JAMES S. DAWSON, Jr.,  
Secretary.

[FR Doc. 79-5276 Filed 2-16-79; 8:45 am]

### [6351-01-M]

#### COMMODITY FUTURES TRADING COMMISSION

#### PUBLICATION OF AND REQUEST FOR COMMENT ON PROPOSED RULES HAVING MAJOR ECONOMIC SIGNIFICANCE

Amendments to Rules 1901, 1904-A, 1904-C, 1904-D, and 1905-A of the Chicago Mercantile Exchange

The Commodity Futures Trading Commission, in accordance with section 5a(12) of the Commodity Exchange Act ("Act"), 7 U.S.C. 7a(12) (1976), as amended by the Futures Trading Act of 1978, Pub. L. No. 95-405, § 12, 92 Stat. 871 (1978), has determined that the following amendments to rules 1901, 1904-A, 1904-C, 1904-D, and 1905-A, submitted by the Chicago

Mercantile Exchange, are of major economic significance and is therefore publishing these rules, as amended, for public comment:

A number of rules in Chapter 19 of the Chicago Mercantile Exchange are being amended. However, the Commission has determined that only those amendments shown below are of major economic significance and require publication. All of these amendments were submitted to the Commission on August 7, 1978.

The rules, as amended, are printed below showing deletions in brackets and additions underscored.

Section 1901 will read as follows:

#### 1901. COMMODITY SPECIFICATIONS

All futures contracts shall be for Russet Burbank potatoes grown in the states of Washington, Oregon, Idaho, Colorado, [North Dakota,] Wisconsin, Michigan (*Upper Peninsula only*), [Minnesota (Red River Valley counties only)], California (Modoc and Siskiyou counties only) meeting the U.S. standards for grades of potatoes as promulgated by the United States Department of Agriculture (USDA), U.S. No. 1, washed. [, except that the potatoes shall be non-stripped, the diameter of the potatoes shall be at least 2 inches, or the weight not less than 4 ounces each.] The potatoes shall be of practically no skinning as to maturity, of russet color, and with most of the surface showing Russet Burbank characteristics. No artificial coloring shall be allowed. Potatoes stored in transit shall not constitute good delivery.

Section 1904-A will read as follows:

#### 1904. PAR DELIVERY AND SUBSTITUTIONS

##### A. Par Delivery Unit

[Potatoes contained in the par delivery unit shall be U.S. No. 1, washed, except that the diameter of the potatoes shall be at least 2 inches, or the weight not less than 4 ounces each.]

A par delivery unit shall be composed of 80,000 pounds of potatoes. Half of the par delivery unit shall be packed in master containers which shall be composed of 10 pound all orange, all tangerine, or all red mesh bags containing U.S. No. 1 potatoes, with a top weight range of 7-10 ounces, except that one (1) oversized potato may be permitted in any sample. Removal of potatoes larger than 7 ounces is permitted only when such potatoes are diverted to form size designated carton packs offered for futures delivery. Half of the par delivery unit shall be packed in 50 pound new cartons designed as containing 80's, 90's, or 100's size, in conformity with the applicable USDA size designation. Not more than 400 cartons of the same size designation shall be permitted.

Cartons of the same size designation shall be in multiples of 100 cartons up to a maximum of 400 cartons for any one size designation. Removal of potatoes for reasons of size during the packing operation is permitted only when necessary for compliance with the applicable size designation. *A par delivery unit shall be 80,000 pounds of U.S. No. 1, washed Russet Burbank potatoes packed in new 50 pound cartons designated as containing 80's, 90's or 100's size, in conformity with the applicable USDA size designation. Not more than 800 cartons of the same size designation shall be permitted. Cartons of the same size designation shall be in multiples of 100 cartons with a minimum of 300 cartons of each size up to a maximum of 800 cartons for any one size designation.*

All deliveries shall be made in railcar or semi-vans with refrigeration and heating equipment and with the floor covering customarily acceptable in industry practice.

Section 1904-C will read as follows:

##### C. Substitutions and Allowances

At seller's option, a delivery unit composed of 80,000 pounds of U.S. No. 1 size A potatoes packed in new 100-pound burlap bags may be delivered at an allowance of \$2.50 per hundred weight. The potatoes shall be washed and the diameter of the potatoes shall be at least two inches or the weight not less than four ounces each and an average of at least 15 percent, but not more than 40 percent of them shall be 10 ounces or more in weight. Removal or addition of potatoes for reasons of size during the packing operations is permitted only when necessary for compliance with the applicable size specification.

##### (D.) C. Place of Delivery

If delivery is by rail, par delivery shall be F.O.B. Pocatello, Idaho with deliveries permitted to be made F.O.B. from Pasco, and Othello, Washington, and Klamath Falls and Hinkle, Oregon at an allowance of [\$.75] \$1.00 per cwt.; deliveries may be made F.O.B. from Monte Vista, Colorado at an allowance of [\$.75] \$.25 per cwt.; [deliveries may be made F.O.B. from Grand Forks, North Dakota at an allowance of \$1.25 per cwt.;] deliveries may be made F.O.B. from Stevens Point, Wisconsin [and Iron Mountain and Greenville, Michigan] at an allowance of [\$1.00] \$.75 per cwt. except as provided by Rule 2003-D-2.

*Potatoes shall be shipped from the states that they are grown in, except for potatoes from Modoc and Siskiyou counties in California which shall be shipped from Klamath Falls, Oregon and potatoes from the upper peninsula of Michigan which shall be shipped from Stevens Point, Wisconsin.*

If delivery is by truck, delivery shall be F.O.B. point of origin, basis par delivery Pocatello, Idaho with allowances enumerated above.

Section 1905-A will read as follows:

#### 1905. PROCEDURES AND STANDARDS FOR SAMPLING, EXAMINATION, AND RATING FOR CONFORMANCE

##### A. Point of Origin

Federal-state unrestricted inspection shall be made at the point of origin, and to be eligible for delivery, inspection shall not have been made prior to the first business day after the last day of trading. On the basis of these inspections at these points of origin, inspection certificates shall be issued, each of which shall show, the date, time of inspection, the car number or trailer, and tractor number, seal number, the grade and size, and the signature of the inspector. To be good delivery, the USDA inspection certificate at the point of origin must show a grading and loading span of no more than 48 hours from time loading began and finished.

The certificate issued at the point of origin shall be good for the [five] two full business days following the inspection date. The USDA certificate shall accompany the delivery documents as required by Chapter 7. Should the pressure of time demand, a telephone report from the USDA inspector containing the information required in Rule 707 shall be permissible for delivery.

If delivery is made by semi-van, each semi-van shall have its own USDA certificate.

[Each time a certificate based on an unrestricted USDA inspection expires, the potatoes must have a new USDA inspection within two business days to be good for delivery.]

Contract units shall be inspected for weight at point of origin.

Any person interested in submitting written data, views, or arguments on these rules should send his comments by March 22, 1979 to Ms. Jane Stuckey, Secretariat, Commodity Futures Trading Commission, 2033 K Street NW., Washington, DC 20581.

Issued in Washington, DC on February 13, 1979.

GARY L. SEEVERS,  
Acting Chairman.

[FR Doc. 79-5220 Filed 2-16-79; 8:45 am]

[3810-70-M]

## DEPARTMENT OF DEFENSE

Office of the Secretary

DEFENSE SCIENCE BOARD TASK FORCE ON  
ENDURING STRATEGIC COMMAND CON-  
TROL AND COMMUNICATIONS

## Closed Meeting

The Defense Science Board Task Force on Enduring Strategic Command Control and Communications will meet in closed session on March 13-14, 1979 in Washington, D.C.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on scientific and technical matters as they affect the perceived needs to the Department of Defense.

A meeting of the Task Force on Enduring Strategic Command Control and Communications has been scheduled for March 13-14, 1979 to identify system issues and begin the development of recommendations.

In accordance with 5 U.S.C. App. I Section 10(d) (1976), it has been determined that this Defense Science Board Task Force meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1975), and that accordingly this meeting will be closed to the public.

MAURICE W. ROCHE,  
*Director, Correspondence and  
Directives, DOD/WHs.*

FEBRUARY 14, 1979.

[FR Doc. 79-5272 Filed 2-16-79; 8:45 am]

[6450-01-M]

## DEPARTMENT OF ENERGY

NATIONAL PETROLEUM COUNCIL; INTERGOV-  
ERNMENTAL AND INSTITUTIONAL RELA-  
TIONS

## Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given that the National Petroleum Council will meet Thursday, March 8, 1979, at 9:00 a.m., in the James Forrestal Building Auditorium, 1000 Independence Avenue, S.W., Washington, D.C.

The purpose of the National Petroleum Council is to provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and gas or the oil and gas industries.

The tentative agenda for the meeting is as follows:

1. Opening Remarks by Chairman of the National Petroleum Council—Collis P. Chandler, Jr.

2. Remarks of the Honorable James R. Schlesinger, Secretary of Energy.

3. Progress Reports of the Following NPC Subcommittees:

a. Subcommittee on Materials and Manpower Requirements—John P. Harbin, Chairman.

b. Subcommittee on Refinery Flexibility—Jerry McAfee, Chairman.

c. Subcommittee on Unconventional Gas Sources—John F. Bookout, Chairman.

d. Subcommittee on U.S. Petroleum Inventories, and Storage and Transportation Capacities—Robert V. Sellers, Chairman.

4. Consideration of Any Administrative Matters.

5. Memorial Resolution to Carol M. Bennett.

6. Discussion of Any Other Matters Properly Brought Before the National Petroleum Council.

7. Public Comment (10 Minute Rule).

The meeting is open to the public. The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements pertaining to items on the agenda should inform Georgia Hildreth, Director, Advisory Committee Management (202) 252-5187, at least 5 days prior to the meeting and reasonable provision will be made for their appearance on the agenda.

The transcript of the meeting will be available for public review and copying at the Freedom of Information Public Reading Room GA-152, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C., between the hours of 8:00 a.m., and 4:30 p.m., Monday through Friday, except Federal holidays. Any person may purchase a copy of the transcript from the reporter.

Issued at Washington, D.C. on February 13, 1979.

GEORGIA HILDRETH,  
*Director, Advisory  
Committee Management.*

[FR Doc. 79-5290 Filed 2-16-79; 8:45 am]

[6450-01-M]

NATIONAL PETROLEUM COUNCIL; REFINERY  
CAPABILITY TASK GROUP OF THE COMMIT-  
TEE ON REFINERY FLEXIBILITY

## Open Meetings

Notice is hereby given that the Refinery Capability Task Group of the National Petroleum Council's Committee on Refinery Flexibility will meet in the National Petroleum Council (NPC) Headquarters, 1625 K Street, NW, Washington, DC, on Tuesday,

March 13 and Wednesday, March 21, 1979. Additionally, the Task Group wishes to advise that the February 23, 1979 meeting, previously announced, has been cancelled.

The National Petroleum Council provides technical advice and information to the Secretary of Energy on matters relating to oil and gas or the oil and gas industries. Accordingly, the Committee on Refinery Flexibility has been requested by the Secretary to undertake an analysis of the factors affecting crude oil quality and availability and the ability of the refining industry to process such crudes into marketable products. This analysis will be based on information and data to be gathered by the Oil Supply, Demand, and Logistics Task Group and the Refinery Capability Task Group, whose efforts will be coordinated by the Coordinating Subcommittee.

The tentative agendas for both Task Group sessions are indicated below. Meetings will begin at 9:00 a.m.

Agenda for the March 13, 1979 meeting of the Refinery Capability Task Group:

1. Review and approve summary/minutes of the February 6, 1979 meeting of the Task Group.

2. Review and comment on the draft summary report on the survey of the petroleum refining industry's capability to make unleaded gasoline and low sulfur fuel oil and to process high sulfur crude oil.

3. Discuss other pertinent matters relating to the overall assignment of the Task Group.

Agenda for the March 21, 1979 meeting of the Task Group:

1. Review and approve summary/minutes of March 13, 1979 meeting of the Task Group.

2. Finalize summary report on the survey of the petroleum refining industry.

3. Discuss other matters pertinent to the overall assignment of the Task Group.

All meetings are open to the public. The Chairmen of the Task Group are empowered to conduct the meeting in a fashion that will, in their judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file written statement with the Task Group or the Coordinating Subcommittee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform Mr. Gene Peer, U.S. Department of Energy, (202) 633-9179, prior to the meetings, and reasonable provision will be made for their appearance on the agenda. Summary/minutes of the Task Group meetings will be available for public review at the Freedom of Information Public Reading Room, Room GA-152, Department of Energy, Forrestal Bldg., 1000 Independence Avenue, SW, Washington, DC, be-



tween the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, DC, on February 13, 1979.

ALVIN L. AIM,  
Assistant Secretary,  
Policy and Evaluation.

[FR Doc. 79-5211 Filed 2-15-79; 8:45 am]

#### [6450-1-M]

Economic Regulatory Administration

#### GASOLINE MARKETING ADVISORY COMMITTEE AND AD HOC SUBCOMMITTEE

##### Open Meetings

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given that the Gasoline Marketing Advisory Committee Ad Hoc Subcommittee will meet on Thursday, March 8, 1979, from 9:00 a.m. to 1:00 p.m., and the full Committee on Friday, March 9, 1979, from 9:00 a.m. to approximately 5:00 p.m., in the Renaissance Room, Le Pavillon Hotel, Poydras and Baronne Streets, New Orleans, Louisiana.

The purpose of the Committee is to provide the Department of Energy with expert and technical advice concerning the wholesale and retail selling of gasoline.

The tentative agenda is as follows:

THURSDAY, MARCH 8, 1979—Ad Hoc  
SUBCOMMITTEE MEETING

Title III of the Petroleum Marketing Practices Act.

FRIDAY, MARCH 9, 1979—FULL COMMITTEE  
MEETING

1. Old Business.
2. Vapor Recovery.
3. Price and Wage Guidelines.
4. Subcommittee Report Title III of the Petroleum Marketing Practices Act.
5. Refiner Marketing Philosophy.
6. Unleaded Gasoline Situation: Supply/Demand, Forecasts.
7. New Business.
8. Public Comment (10 Minute Rule).

The meetings are open to the public. The Chairman of the Committee or subcommittee is empowered to conduct the meetings in a fashion that will, in his judgement, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee or subcommittee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform Georgia Hildreth, Director, Advisory Committee Management, (202) 252-5187, at least 5 days prior to the meetings and reasonable provision will be made for their appearance on the agenda.

Transcripts of the meetings will be available for public review and copying at the Freedom of Information Public Reading Room, Room GA-152, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays. Any person may purchase copies of the transcripts from the reporter. An Executive Summary of the meeting may be obtained by calling the Advisory Committee Management Office at the number above.

Issued at Washington, D.C. on February 13, 1979.

GEORGIA HILDRETH,  
Director,  
Advisory Committee Management.

[FR Doc. 79-5251 Filed 2-16-79; 8:45 am]

#### [6450-01-M]

Federal Energy Regulatory Commission

[Docket Nos. E-8624 and ER76-394]

ARIZONA PUBLIC SERVICE CO.

Compliance Filing

FEBRUARY 7, 1979.

Take notice that on December 22, 1978, pursuant to Order Affirming Initial Decision issued November 21, 1978, and the Initial Decision of the Administrative Law Judge, dated July 12, 1977, Arizona Public Service Company ("APS" or "Company"), submits for filing six copies of the following documents:

Corrected revised Fuel Clause (Docket No. E-8624) and Fuel Clause (Docket No. ER76-394), the provisions of which are applicable to the following wholesale customers and APS Rate Schedule FPC Nos.:

- 12—Electrical District No. 3
- 13—Electrical District No. 7
- 14—Maricopa County Municipal Water Conservation district No. 1
- 15—Roosevelt Irrigation District
- 16—Buckeye Water Conservation & Drainage District
- 17—Navopache Electric Co-operative, Inc.
- 34—Town of Wickenburg
- 35—Electrical District No. 6
- 50—Citizens Utilities Company
- 51—Comission Federal de Electricidad, Division Noroeste (Naco)
- 54—Compania de Servicios Publicos de Agua Prieta, S.A.
- 57—Arizona Electric Power Cooperative, Inc.
- 58—Wellton-Mohawk Irrigation & Drainage District
- 59—Arizona Power Authority
- 68—Electrical District No. 1 (Formerly Rate Schedule No. 64)

Any person desiring to be heard or to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol

Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such protests should be filed on or before February 23, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 79-5169 Filed 2-16-79; 8:45 am]

#### [6450-01-M]

[Project No. 1953]

#### CONSOLIDATED WATER POWER CO.

Application for Approval of a Change in Land Rights

FEBRUARY 6, 1979.

Take notice that on November 27, 1978, the Consolidated Water Power Company (Consolidated), Licensee of the Du Bay hydroelectric project, FERC No. 1953, filed an application for Commission approval of a change in land rights at the project. The project is located on the Wisconsin River in Marathon County, Wisconsin. Correspondence with the Licensee regarding the application should be addressed to: M. O. Andrae, Vice President, Consolidated Water Power Company, Wisconsin Rapids, Wisconsin 54494.

Consolidated wishes to sell 5.95 acres of land within the project boundary to the State of Wisconsin in order to permit relocation of the bridge carrying State Trunk Highway 34 across the project flowage. Highway 34 presently crosses the flowage nearby on a one-lane highway bridge affixed to a railroad bridge. Plans to rebuild the railroad bridge require the termination of the highway use and the construction of a new bridge for Highway 34. Consolidated states that much of the 5.95 acres is under water and that the rest is immediately adjacent to the present highway right-of-way.

Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1977). In determining the appropriate action to take, the Commission will consider all protests filed, but a person who merely files a protest does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any protest or petition to inter-

vene must be filed on or before March 2, 1979. The Commission's address is: 825 N. Capitol Street, N.E., Washington, D.C. 20426.

The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 79-5170 Filed 2-16-79; 8:45 am]

#### [6450-01-M]

[Docket No. ER79-171]

#### FLORIDA POWER & LIGHT CO.

Proposed Amendment to Agreement To  
Provide Specified Transmission Service

FEBRUARY 7, 1979.

Take notice that Florida Power & Light Company (FPL), on January 23, 1979, tendered for filing an amendment, executed by both parties, to an agreement entitled "Amendment Number One To Agreement To Provide Specified Transmission Service Between Florida Power & Light Company and Fort Pierce Utilities Authority." Under the Amendment, FPL will transmit power and energy for the Fort Pierce Utilities Authority (Ft. Pierce) as is required by Ft. Pierce in the implementation of its interchange agreements with the Utilities Commission of the City of New Smyrna Beach and Lake Worth Utilities Authority, Orlando Utilities Commission, Florida Power Corporation and Tampa Electric Company, according to FPL.

FPL requests an effective date for the Agreement of no later than 60 days after the date of filing. FPL states that a copy of the filing was served on the Director of Utilities of Ft. Pierce.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 16, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 79-5171 Filed 2-16-79; 8:45 am]

#### [6450-01-M]

[Docket Nos. CP66-112, et al., CP70-20, et al., CP71-223, et al.]

#### GREAT LAKES GAS TRANSMISSION CO.

Petition To Amend

FEBRUARY 8, 1979.

Take notice that on December 5, 1978, Great Lakes Transmission Company (Applicant), 2100 Buhl Building, Detroit, Michigan 48226, filed in Docket No. CP66-112, CP70-20, and CP71-223, a petition to amend the orders issued on June 20, 1967, April 30, 1970, and June 1, 1978,<sup>1</sup> respectively, in the instant dockets pursuant to Section 3 of the Natural Gas Act so as to allow Applicant to import from TransCanada PipeLines Limited (TransCanada) quantities of natural gas which have been previously authorized for import but which heretofore could not be imported because of daily and annual restrictions in TransCanada's export licenses and Applicant's import authorizations, all as more fully set forth in the petition which is on file with the Commission and open for public inspection.

It is said that the import volumes in contract No. 1<sup>2</sup> provide for the purchase by Applicant from TransCanada of up to 87,600 Mcf of natural gas per day, while the import volumes in contract No. 2<sup>3</sup> provide for the purchase of up to 190,800 Mcf of natural gas per day. TransCanada presently is authorized to export, sell and deliver this gas to Applicant at the Emerson, Manitoba interconnection pursuant to Licenses GL-20 and GL-37 issued by the Canadian National Energy Board (NEB), it is said. These licenses, while providing for total export volumes over the term of the license, also impose daily and annual export limitations and the corresponding import authorizations issued by the Commission impose daily import limitations, it is stated. Applicant further states that because it has not been able to import gas under the foregoing authorizations at 100 percent of its contract entitlement every day, it has had to forego importing significant quantities of natural gas under the current authorization and heretofore, these quantities could not be made up due to the daily and annual volume restrictions.

Applicant asserts that on November 17, 1978, it executed with TransCanada an amending agreement to the

<sup>1</sup>This proceeding was commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the FERC.

<sup>2</sup>Involving a gas purchase contract No. 1 dated July 14, 1967, between TransCanada and Applicant.

<sup>3</sup>Involving a gas purchase contract No. 2 dated October 9, 1970, between Applicant and TransCanada.

subject import contracts (Nos. 1 and 2) and that said agreement permits the make-up during the period extending through October 31, 1980, of the approximate volumes of natural gas authorized by export by TransCanada and import by Applicant but which it was unable previously to take or make up. The said agreement provides that the maximum contract volumes permissible under contract No. 1 be amended to allow for the purchase on a best efforts basis of an additional 12,000,000 Mcf of gas during the term of the agreement, which term expires on October 31, 1980, it is asserted. Such agreement likewise amends contract No. 2 so as to allow for the purchase on a best efforts basis of an additional 6,000,000 Mcf of natural gas during its term, Applicant states. The price for the gas is \$2.16 per million Btu, the same price charged for existing imports.<sup>4</sup>

Applicant indicates that the gas which it here seeks authorization to import would be sold to Midwestern Gas Transmission Company (Midwestern) at the interconnection of Applicant's and TransCanada's facilities at the international boundary near Emerson, Manitoba. That natural gas, plus similar make-up gas for which Midwestern concurrently is seeking authorization to import would be transported by Applicant for Midwestern and for Northern Natural Gas Company (Northern) to existing delivery points on Applicant's system it is further indicated.

Applicant asserts that in order to import sufficient fuel and gas-lost-and-unaccounted-for volumes (company-use volumes) to render the transportation service for Midwestern, Applicant must amend its Contract No. 3.<sup>5</sup> Article II of this contract presently provides for the purchase of company-use gas required by Applicant to render its transportation service for TransCanada pursuant to authorization in Docket Nos. CP66-110 and CP71-222 plus the company-use volumes required for Applicant to import and transport for sale to its customers the volumes authorized in Docket Nos. CP66-110, et al., and CP70-19, et al., less 14,700,000 Mcf annually, or a total company-use volume of 17,000,000 Mcf annually, whichever is the lesser, it is said. Applicant asserts that this company-use purchase contract has been amended to provide that in addition to utilization of the company-use volumes purchased under this contract during the period ending October 31, 1980, it may also utilize such volumes as company-use volumes for transport-

<sup>4</sup>As approved by Commission order issued September 10, 1977, in Applicant's Docket No. RP72-140.

<sup>5</sup>Involving a gas purchase contract No. 3 dated June 11, 1971, between TransCanada and Applicant.



ing the gas that Midwestern would buy from TransCanada and deliver to Applicant for transportation and for which Applicant is seeking concurrent certificate authorization. Applicant states that in this regard, its import authorization for company-use volumes in Docket No. CP71-223 appears already to provide for the importation of up to 17,000,000 Mcf annually, more than enough to meet its existing company requirements plus those for the Midwestern transportation service. However, since the underlying contract must be amended, Applicant here seeks corresponding import authorization as required, it is said.<sup>6</sup>

Applicant states that Midwestern concurrently herewith is filing with the ERA and the Commission for authority to amend its import authorization to permit it to import 114,000,000 Mcf of natural gas previously authorized but not taken due to daily and annual restrictions in the governing export license (GL-18) and its import authorization, and TransCanada likewise has sought the requisite amendment to its export license GL-18 to permit this export to Midwestern.

Applicant asserts that approval of the amending agreements would allow it and Midwestern to import significant volumes of natural gas on a best efforts basis at the current border price. Both Applicant and Michigan Wisconsin would transport gas for Midwestern to effect delivery.

Applicant asserts that no new facilities are required to effect delivery of the import volumes here involved to the said customers and deliveries would be made on a best-efforts basis and would be effected through the use of existing facilities. In addition, Applicant states that TransCanada has entered into an amendatory agreement with Applicant to provide for reduction in its transportation service for TransCanada<sup>7</sup> when TransCanada can do so and on the condition that Applicant give full demand and commodity credit to TransCanada for all reductions in the transportation portation volumes.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before March 1, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining

the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 79-5173 Filed 2-16-79; 8:45 am]

[6450-01-M]

[Docket No. ER79-164]

INDIANA & MICHIGAN ELECTRIC CO.

Proposed Changes in Rates and Charges

FEBRUARY 7, 1979.

Take notice that American Electric Power Service Corporation (AEP) on January 22, 1979 tendered for filing on behalf of its affiliate Indiana & Michigan Electric Company (I&M), Modification No. 11 dated January 1, 1979 to the Interconnection Agreement dated December 30, 1960 between Indianapolis Power & Light Company and Indiana & Michigan Electric Company, I&M's Rate Schedule FPC No. 21.

AEP indicates that Sections 1 and 3 of Modification No. 11 provide for an increase in the demand charge for Short Term Power and Limited Term Power from \$0.60 and \$0.70 per kilowatt per week and \$3.25 to \$3.75 per kilowatt per month respectively; Sections 2 and 4 provide for an increase in the Short Term and Limited Term Power transmission charges from \$0.15 to \$0.175 per kilowatt per week and \$0.65 to \$0.75 per kilowatt per month respectively both schedules proposed to become effective March 15, 1979.

Applicant states that since the use of Short Term Power cannot be accurately estimated, for the twelve months period succeeding the date of filing, it is impossible to estimate the increase in revenues resulting from its modification for such period. Applicant's Exhibit I which was included with the filing of this Modification, demonstrates that the increase in revenues which would have resulted had the modification been in effect during the twelve-month period ending December 1978, would have been \$362,738.11 (i.e., from \$11,296,556.00 to \$11,659,294.11), according to the Applicant.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capital Street, N.E., Washington, D.C., 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be

filed on or before February 16, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 79-5174 Filed 2-16-79; 8:45 am]

[6450-01-M]

[Docket No. CP79-151]

MICHIGAN WISCONSIN PIPE LINE CO.

Application

FEBRUARY 8, 1979.

Take notice that on January 17, 1979, Michigan Wisconsin Pipe Line Company (Applicant), One Woodward Avenue, Detroit, Michigan 48226, filed in Docket No. CP79-151 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas to Northwest Pipeline Corporation (Northwest), all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that gas reserves attributable to its interest have been developed in Carbon County, Wyoming (the Creston Nose Prospect), and that it does not have any gathering or transmission facilities within Wyoming. Northwest has extensive pipeline facilities in the Rocky Mountains including an existing gathering system connecting the Creston Nose Prospect to the gathering system of Western Transmission Corporation (Western) in Section 25 of Carbon County, Wyoming, it is said. Applicant states that in order to make the gas supplies available to its existing pipeline system it has entered into a gas gathering and transportation agreement dated September 23, 1977, with Northwest, which agreement provides that Northwest would gather and transport up to 15,000 Mcf of natural gas per day for Applicant from the Creston Nose Prospect to its mainline transportation system in Lincoln County, Wyoming. The application states that Western would provide a transportation service for Northwest from Section 25 Carbon County, to a point of interconnection between the pipeline systems of Western and Colorado Interstate Gas Company (CIG) in Section 1, Sweetwater County, Wyoming, pursuant to the terms of a gas transportation agreement dated January 26, 1978, between Northwest and Western Applicant indicates that in order to effectuate receipt of the gas, to its mainline transmission system, it

<sup>6</sup>On November 14, 1978, TransCanada filed with the NEB seeking authorization to amend its License Nos. GL-20, GL-37, and GL-43 so as to permit the increased exportation of natural gas sold to Applicant.

<sup>7</sup>Rate Schedule T-4 on file with the Commission.

would utilize a gas purchase, transportation, and exchange arrangement with CIG dated April 7, 1976, as amended November 28, 1977, which requires that a portion of the gas being transported or exchanged by CIG be made available for sale.

It is indicated that pursuant to the terms of the gas gathering and transportation agreement dated September 23, 1977, between Applicant and Northwest, Applicant would sell up to 25 percent of the volumes of gas delivered or caused to be delivered to Northwest for Applicant's account at a price which includes adjustments, taxes, and other charges permitted or prescribed under applicable laws, and as prescribed for in any agreement between Northwest and another pipeline company. It is further indicated that pursuant to the gas purchase, transportation, and exchange agreement between Northwest and CIG, Northwest is obligated to sell to CIG up to 25 percent of the volumes of gas delivered to CIG in consideration for the services performed by CIG in connection with the exchange. The price to be paid by CIG for any gas sold by Northwest to CIG would be equal to the price paid by Northwest for the gas, it is said. Consequently, Applicant requests authorization herein to sell to Northwest such quantities of gas as Northwest is required to sell to CIG pursuant to the aforementioned agreement.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 1, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter

finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 79-5175 Filed 2-16-79; 8:45 am]

[6450-01-M]

(Docket No. RA79-101)

MILLTOWN SKELGAS, INC.

Notice Denying Reconsideration and Extending  
Filing Dates

FEBRUARY 2, 1979.

On January 31, 1979, counsel for the Secretary of Energy filed a motion for reconsideration of the denial of his motion to suspend the dates for filing the record and substantive response until after the Commission has ruled on his motion to dismiss the petition.

The motion is denied; however, the time for filing the record is extended to and including February 12, 1979. The response shall be filed on or before February 18, 1979.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 79-5176 Filed 2-16-79; 8:45 am]

[6450-01-M]

MISSISSIPPI

Determination by a Jurisdictional Agency  
Under the Natural Gas Policy Act of 1978

FEBRUARY 7, 1979.

On February 2, 1979, the Federal Energy Regulatory Commission received notices from the jurisdictional agencies listed below of determinations pursuant to 18 CFR 274.104 and applicable to the indicated wells pursuant to the Natural Gas Policy Act of 1978.

STATE OIL AND GAS BOARD OF MISSISSIPPI

API Well Number: 23-065-20102.  
Section of NGPA: 102, 103, 107.  
Operator: Harkins & Company.  
Well Name: Barnes Unit 9-10 No. 1 Well.  
Field: Greens Creek Field.  
County: Jefferson Davis.  
Purchaser: Transcontinental Gas Pipeline Corp.  
Volume: First-1460 MMcf. Fifth-281 MMcf.

API Well Number: 23-065-20065.  
Section of NGPA: 102.

Operator: Florida Gas Exploration Company.  
Well Name: Davis No. 1.  
Field: Oakvale.  
County: Jefferson Davis.  
Purchaser: Florida Gas Transmission Company.  
Volume: 2000 MMcf.

API Well Number: 23-065-20061.  
Section of NGPA: 102.  
Operator: Harkins & Company.  
Well Name: Board of Supervisors Unit 16-8 No. 1.  
Field: Greens Creek Field.  
County: Jefferson Davis.  
Purchaser: Transcontinental Gas Pipeline Corp.  
Volume: First-1460 MMcf. Fifth-548 MMcf.

API Well Number: 23-091-20063.  
Section of NGPA: 107.  
Operator: Tomlinson Interests Inc.  
Well Name: J. C. Williamson No. 1.  
Field: Greens Creek.  
County: Marion.  
Purchaser: Transcontinental Gas Pipeline Co.  
Volume: 2000 MMcf.

API Well Number: 23-065-20081.  
Section of NGPA: 102, 103, 107.  
Operator: Harkins & Company.  
Well Name: Tolar Unit 15-6 No. 1.  
Field: Greens Creek Field.  
County: Jefferson Davis.  
Purchaser: Transcontinental Gas Pipeline Corp.  
Volume: First-1460 MMcf. Fifth-511 MMcf.

API Well Number: 23-065-20087.  
Section of NGPA: 102, 103, 107.  
Operator: Harkins & Company.  
Well Name: Fortenberry Unit 10-11 Well.  
Field: Greens Creek.  
County: Jefferson Davis.  
Purchaser: Transcontinental Gas Pipeline Corp.  
Volume: First-1460 MMcf. Fifth-55 MMcf.

API Well Number: 23-147-20105.  
Section of NGPA: 103.  
Operator: Pennzoil Producing Company.  
Well Name: Prisk No. C-1.  
Field: Dexter.  
County: Walthall.  
Purchaser: Southern Natural Gas Company.  
Volume: 1642 MMcf.

API Well Number: 23-147-20106.  
Section of NGPA: 103.  
Operator: J. R. Pounds Inc.  
Well Name: Fernwood Lumber Co. Unit No. 1.  
Field: KNOXO.  
County: Walthall.  
Purchaser: Southern Natural Gas Co.  
Volume: 360 MMcf.

API Well Number: None.  
Section of NGPA: 108.  
Operator: Norton Oil Company, Inc.  
Well Name: Creosote Oil Corp. A-2M.  
Field: Pistol Ridge.  
County: Forrest.  
Purchaser: United Gas Pipe Line Co.  
Volume: 14.6 MMcf.

API Well Number: None.  
Section of NGPA: 108.  
Operator: C. A. Hurst.  
Well Name: Lee Chancellor Gas Unit No. 1.  
Field: Sharon.  
County: Jasper.

Purchaser: Transcontinental Gas Pipeline Corp.

Volume: 18 MMcf.

API Well Number: None.

Section of NGPA: 108.

Operator: Pennzoil Producing Co.

Well Name: Entrikin Unit No. 1.

Field: Baxterville.

County: Lamar.

Purchaser: United Gas Pipeline Co.

Volume: 9 MMcf.

API Well Number: 23-091-20047.

Section of NGPA: 102.

Operator: Louis Alford.

Well Name: Ivy No. 1.

Field: Newsom.

County: Marion.

Purchaser: Florida Gas Transmission Co.

Volume: 225 MMcf.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission by March 7, 1979.

KENNETH F. PLUMB,  
*Secretary.*

[FR Doc. 79-5188 Filed 2-16-79; 8:45 am]

[6450-01-M]

[Docket No. RM79-3]

#### NATURAL GAS POLICY ACT OF 1978

##### Receipt of Report of Determination Process

FEBRUARY 5, 1979.

Pursuant to section 18 CFR 274.105 of the Federal Energy Regulatory Commission's Regulations, a jurisdictional agency may file a report with the Commission describing the method by which such agency will make certain determinations in accordance with sections 102, 103, 107, and 108 of the Natural Gas Policy Act of 1978.

Reports in conformance with 18 CFR 274.105 have been received by the Commission from the following jurisdictional agencies:

##### Agency and Date

State of New Mexico, Energy and Minerals Department, Oil Conservation Division, November 29, 1978.

State of Louisiana, Department of Conservation, November 29, 1978.

Railroad Commission of Texas, November 30, 1978.

West Virginia Department of Mines, Oil and Gas Division, November 30, 1978.

Alabama State Oil and Gas Board, November 30, 1978.

State Oil and Gas Board of Mississippi, November 30, 1978.

Kansas State Corporation, Commission Conservation Division, November 30, 1978.

State of Michigan, Department of Natural Resources, Geological Survey Division, December 1, 1978.

State of California, Department of Conservation, Division of Oil and Gas, December 4, 1978.

Commonwealth of Virginia, Department of Labor and Industry, Division of Mines and Quarries, December 4, 1978.

State of Wyoming, Office of Oil and Gas Conservation Commission, December 4, 1978.

State of Colorado, Department of Natural Resources, December 5, 1978.

State of Ohio, Department of Natural Resources, Division of Oil and Gas, December 6, 1978.

State of Alaska, Oil and Gas Conservation Commission, December 11, 1978.

State of Arizona, Oil and Gas Conservation Commission, December 14, 1978.

State of Nebraska, Oil and Gas Conservation Commission, December 15, 1978.

State of Tennessee, Oil and Gas Board, December 19, 1978.

State of Indiana, Department of Natural Resources, December 26, 1978.

State of Pennsylvania, Department of Environmental Resources, Division of Oil and Gas, December 26, 1978.

State of Florida, Department of Natural Resources, January 3, 1979.

State of North Dakota, Geological Survey, January 4, 1979.

State of Illinois, Department of Mines and Minerals, Oil and Gas Division, January 5, 1979.

United States Department of Interior, Geological Survey, January 19, 1979.

State of Montana, Department of Natural Resources and Conservation, January 29, 1979.

Commonwealth of Kentucky, Department of Mines and Minerals, Division of Oil and Gas Conservation, February 5, 1979.

Copies of these reports are available for public inspection in the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

KENNETH F. PLUMB,  
*Secretary.*

[FR Doc. 79-5189 Filed 2-16-79; 8:45 am]

[6450-01-M]

#### NEW MEXICO

##### Determination by a Jurisdictional Agency Under the Natural Gas Policy Act of 1978

FEBRUARY 12, 1979.

On February 8, 1979, the Federal Energy Regulatory Commission received notices from the jurisdictional agencies listed below of determinations pursuant to 18 CFR 274.104 and applicable to the indicated wells pursuant to the Natural Gas Policy Act of 1978.

#### STATE OF NEW MEXICO, ENERGY AND MINERALS DEPARTMENT, OIL CONSERVATION DIVISION

API Well Number: 30-045-22964.

Section of NGPA: 103.

Operator: Mesa Petroleum Co.

Well Name: State Com V No. 18A.

Field: Blanco Mesa Verde.

County: San Juan.

Purchaser: El Paso Natural Gas Co.

Volume: 274 MMcf.

API Well Number: 30-045-22963.

Section of NGPA: 103.

Operator: Mesa Petroleum Co.

Well Name: State Com W No. 19A.

Field: Blanco Mesa Verde.

County: San Juan.

Purchaser: El Paso Natural Gas Co.

Volume: 242 MMcf.

API Well Number: 30-045-22942.

Section of NGPA: 103.

Operator: Mesa Petroleum Co.

Well Name: State Com S No. 15A FR.

Field: Blanco Mesa Verde.

County: San Juan.

Purchaser: El Paso Natural Gas Co.

Volume: 68 MMcf.

API Well Number: 30-045-22943.

Section of NGPA: 103.

Operator: Mesa Petroleum Co.

Well Name: State Com F No. 1A.

Field: Blanco Mesa Verde.

County: San Juan.

Purchaser: Southern Union Gathering Co.

Volume: 132 MMcf.

API Well Number: 30-045-22588.

Section of NGPA: 103.

Operator: Mesa Petroleum Co.

Well Name: State Com No. 42.

Field: Blanco Pictured Cliffs.

County: San Juan.

Purchaser: El Paso Natural Gas Co.

Volume: 65 MMcf.

API Well Number: 30-045-22344.

Section of NGPA: 103.

Operator: Mesa Petroleum Co.

Well Name: State Com No. 45.

Field: Twin Mounds Pictured Cliffs.

County: San Juan.

Purchaser: El Paso Natural Gas Co.

Volume: 12 MMcf.

API Well Number: None.

Section of NGPA: 108.

Operator: Mesa Petroleum Co.

Well Name: State Com AM No. 37.

Field: Basin Dakota.

County: San Juan.

Purchaser: El Paso Natural Gas Co.

Volume: 10.3 MMcf.

API Well Number: None.

Section of NGPA: 108.

Operator: Mesa Petroleum Co.

Well Name: State Com X No. 20.

Field: Aztec Pictured Cliffs.

County: San Juan.

Purchaser: El Paso Natural Gas Co.

Volume: 9.3 MMcf.

API Well Number: None.

Section of NGPA: 108.

Operator: Mesa Petroleum Co.

Well Name: State Com AC No. 25.

Field: Aztec Fruitland.

County: San Juan.

Purchaser: El Paso Natural Gas Co.

Volume: 12 MMcf.

API Well Number: None.

Section of NGPA: 108.

Operator: Mesa Petroleum Co.

Well Name: State Com Z No. 22.  
Field: Aztec Pictured Cliffs.  
County: San Juan.  
Purchaser: El Paso Natural Gas Co.  
Volume: 15.5 MMcf.

API Well Number: None.  
Section of NGPA: 108.  
Operator: Mesa Petroleum Co.  
Well Name: State Com Y No. 21.  
Field: Aztec Pictured Cliffs.  
County: San Juan.  
Purchaser: El Paso Natural Gas Co.  
Volume: 9.6 MMcf.

API Well Number: None.  
Section of NGPA: 108.  
Operator: Mesa Petroleum Co.  
Well Name: Delhi State Com X No. 01.  
Field: Blanco Pictured Cliffs.  
County: San Juan.  
Purchaser: El Paso Natural Gas Co.  
Volume: 21.6 MMcf.

API Well Number: None.  
Section of NGPA: 108.  
Operator: Mesa Petroleum Co.  
Well Name: State Com T No. 16.  
Field: Aztec Pictured Cliffs.  
County: San Juan.  
Purchaser: El Paso Natural Gas Co.  
Volume: 8.2 MMcf.

API Well Number: None.  
Section of NGPA: 108.  
Operator: Mesa Petroleum Co.  
Well Name: State Com U No. 17.  
Field: Aztec Pictured Cliffs.  
County: San Juan.  
Purchaser: El Paso Natural Gas Co.  
Volume: 16.1 MMcf.

API Well Number: None.  
Section of NGPA: 108.  
Operator: Mesa Petroleum Co.  
Well Name: State Com AB No. 24.  
Field: Aztec Pictured Cliffs.  
County: San Juan.  
Purchaser: El Paso Natural Gas Co.  
Volume: 6.2 MMcf.

API Well Number: 30-025-26074.  
Section of NGPA: 103.  
Operator: Doyle Hartman.  
Well Name: Phillips-Goldston No. 1.  
Field: Jalmat (Gas) Pool.  
County: Lea.  
Purchaser: El Paso Natural Gas Co.  
Volume: 82 MMcf.

API Well Number: None.  
Section of NGPA: 108.  
Operator: Norman L. Gilbreath.  
Well Name: Blancett No. 2 7041001.  
Field: San Juan Basin.  
County: San Juan.  
Purchaser: El Paso Natural Gas Co.  
Volume: 4024 MMcf.

API Well Number: 30-025-25781.  
Section of NGPA: 103.  
Operator: Mobil Oil Corp.  
Well Name: State "AE" No. 1.  
Field: Kemnitz U. Wolfcamp, South.  
County: Lea.  
Purchaser: Phillips Petroleum Company.  
Volume: 7.3 MMcf.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commis-

sion's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before March 7, 1979.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 79-5187 Filed 2-16-79; 8:45 am]

[6450-01-M]

[Docket No. ID-1577]

GUY W. NICHOLS

Application

FEBRUARY 7, 1979.

Take notice that on January 15, 1979, Guy W. Nichols, (Applicant) filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Director, Connecticut Yankee Atomic Power Company, Public Utility.

Director, Vermont Yankee Nuclear Power Corporation, Public Utility.

Chairman, Yankee Atomic Energy Company, Public Utility.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions and protests should be filed on or before February 21, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 79-5172 Filed 2-16-79; 8:45 am]

[6450-01-M]

[Docket No. ER79-170]

NYPP GROUP-PJM GROUP INTERCONNECTION  
AGREEMENT

Proposed Supplement to Interconnection  
Agreement

FEBRUARY 7, 1979.

In the matter of Central Hudson Gas & Electric Corporation, Consolidated Edison Company of New York Incorporated, Long Island Lighting Company, New York State Electric & Gas Corporation, Niagara Mohawk

Power Corporation, Orange and Rockland Utilities, Incorporated, Rochester Gas and Electric Corporation, (Above referred to Collectively as the NYPP Group) and Public Service Electric and Gas Company, Philadelphia Electric Company, Pennsylvania Power & Light Company, Baltimore Gas and Electric Company, Jersey Central Power & Light Company, Metropolitan Edison Company, Pennsylvania Electric Company, Potomac Electric Power Company, (Above Referred to Collectively as the PJM Group).

Take notice that on January 23, 1979, the Pennsylvania-New Jersey-Maryland Group (PJM Group) tendered for filing on behalf of themselves and the New York Power Pool (NYPP Group) proposed Modification Number 1 to Schedule 4.01 to the Interconnection Agreement between them dated April 9, 1974.

The Applicants state that the proposed Modification expands the present provisions for economy energy transactions between the two Groups by providing for the Groups to participate in economy transactions involving systems not signatories to the Interconnection Agreement. The proposed arrangements will enable the Groups to supply customer load with the most economical generation available and will serve to more fully utilize lower cost fuels, thereby conserving the higher cost fuels, according to the Applicants.

No new facilities are proposed to be installed nor existing facilities modified in connection with the proposed Modification. The Applicants request that the proposed Modification become effective on April 1, 1979.

Any person desiring to be heard or to make any protest with reference to the this filing should, on or before February 16, 1979, file with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, petitions to intervene or protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All protests filed with the Commission will be considered by the Commission in determining the appropriate action to be but will not serve to make the protestants parties to the proceeding. Persons wishing to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The documents referred to herein are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 79-5177 Filed 2-16-79; 8:45 am]

[6450-01-M]

[Docket No. ER78-511]

## PUBLIC SERVICE CO. OF OKLAHOMA

## Compliance Filing

FEBRUARY 7, 1979.

Take notice that on November 4, 1978, the Public Service Company of Oklahoma (PSO), pursuant to the Commission's Order of October 12, 1978 in Docket No. ER78-511, submits for filing certain revised schedules.

PSO submits the following pages as revision to its rates and cost of service (filed July 28, 1978) in accordance with the Commission's Order of October 12th:

1. Statement "B", Period II, pp. 1 and 2.
2. Statement "E-1", Period II (one p.).
3. Statement "F", Period II (two pp.).
4. Statement "G", Period II p. 1.
5. Statement "H", Period II (one p.).
6. Statement "J", Period II p. 1.
7. Statement "L", Period II p. 1.
8. Statement "M", pp. 2, 11, 13.
9. Statement "N", Period II (one p.), and
10. Revised Schedules 100.01, 100.02 and Revised pp. 11, 12, and 14 of the "Proposed Supplemental Service Tariff for SPA Service".

Any person desiring to be heard or to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C., 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such protests should be filed on or before February 23, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 79-5178 Filed 2-16-79; 8:45 am]

[6450-01-M]

[Docket No. ER79-169]

## PUBLIC SERVICE ELECTRIC &amp; GAS CO., ET AL.

## Proposed Supplement to Interconnection Agreement

FEBRUARY 7, 1979.

In the matter of Public Service Electric and Gas Company, Philadelphia Electric Company, Pennsylvania Power & Light Company, Baltimore Gas and Electric Company, Jersey Central Power & Light Company, Metropolitan Edison Company, Penn-

sylvania Electric Company, Potomac Electric Power Company.

Take notice that on January 23, 1979, the Office of the Pennsylvania-New Jersey-Maryland Interconnection filed on behalf of the above listed utilities a new Schedule 5.05 which modifies the Interconnection Agreement which is on file with the Commission.

According to the Applicants the proposed Schedule provides for transmission losses incurred by PJM from economy energy transactions consummated with others in which PJM provides a transmission service. The proposed arrangements are necessitated by the simultaneous filing of a provision within the NYPP Group-PJM Group Agreement for interchange of economy energy; such provision will enable transactions of energy which serve to more fully utilize lower-cost fuels, thereby conserving higher-cost fuels, according to the Applicants.

No new facilities are proposed to be installed nor existing facilities modified in connection with the proposed Schedule. The Applicants request that the proposed Schedule become effective on April 1, 1979.

Any person desiring to be heard or to protest said filing should, on or before February 16, 1979 file with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C., 20426, petitions to intervene or protest, in accordance with Sections 1.8 and 1.10 (18 CFR 1.8, 1.10) of the Commission's Rules of Practice and Procedure. All protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Persons wishing to participate as a party in any proceeding must file petitions to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 79-5179 Filed 2-16-79; 8:45 am]

[6450-01-M]

[Docket Nos. RP76-39 and RP77-6]

## SEA ROBIN PIPELINE CO.

## Order Initiating Hearing on Interest Reimbursement Issue, Consolidating Proceedings, and Establishing Procedures

FEBRUARY 9, 1979.

On May 11, by letter orders, the Commission approved proposed settlement agreements with Sea Robin Pipeline Company in the captioned dockets.<sup>1</sup> Under these agreements, the

<sup>1</sup>The settlement agreement for Docket No. RP76-39 also resolved certain issues in Docket No. RP73-47. However, since the issue of interest reimbursement payments

issue of the proper cost of service treatment for interest reimbursement payments was deferred, pending and subject to the outcome of appellate review proceedings in *Sea Robin Pipeline Company, v. FERC*, D.C. Cir. No. 76-1362 (filed April 15, 1976).

By agreement of the parties, *Sea Robin* was held in abeyance pending resolution of the same issue in a prior case, *United Gas Pipeline Company v. F.P.C.*, 551 F.2d 460 (D.C. Cir. 1977). Subsequently, *United Gas* was remanded to the Commission with directions to hold evidentiary hearings on the issue of interest reimbursement payments. As a result, the abeyance of *Sea Robin* has been extended to afford the opportunity for similar hearings in Docket No. RP76-39.

In accordance with the decision in *United Gas*, the Commission shall set for hearing the interest reimbursement issue in Docket Nos. RP76-39 and RP77-6. Due to similar issues of law and fact, it is appropriate to consolidate these dockets for the purpose of hearing and decision.

The Commission orders: (A) Docket Nos. RP76-39 and RP77-6 are hereby consolidated for the purpose of a hearing and decision on the sole issue of interest reimbursement payments.

(B) Pursuant to the authority under the Natural Gas Act, particularly Sections 4 and 15 thereof, and the Commission's Rules and Regulations, hearing shall be held to consider the issue of the proper cost of service treatment for interest reimbursement payments in Docket Nos. RP76-39 and RP77-6.

(C) An Administrative Law Judge to be designated by the Chief Administrative Law Judge, for that purpose (See delegation of Authority, 18 CFR 3.5(a)), shall preside at the hearing, prescribe necessary procedures not provided for in this order, and otherwise conduct the hearing in accordance with the Commission's Rules of Practice and Procedure.

(D) The Administrative Law Judge shall call a prehearing conference within 30 days from the issuance of this order to discuss procedural matters and to establish appropriate hearing dates for the conduct of the hearing.

By the Commission.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 79-5180 Filed 2-16-79; 8:45 am]

was not raised in Docket No. RP7-47, that docket has been deleted from the consolidated proceeding initiated by this order.

[6450-01-M]

[Docket Nos. CP67-337, CP77-18, CI77-278, CI77-311]

SOUTH TEXAS NATURAL GAS GATHERING CO.  
AND COASTAL STATES GAS PRODUCING CO.

Change of Date of Informal Conference

FEBRUARY 8, 1979.

In the matter of South Texas Natural Gas Gathering Company (CP67-337), South Texas Natural Gas Gathering Company (CP77-18), Coastal States Gas Producing Company (CI77-278), and Coastal States Gas Producing Company (CI77-311).

By Notice issued on January 30, 1979, an informal conference was scheduled to be held on March 13, 1979, with respect to certain matters and problems that are the outgrowth of the applications and other related filings that have been submitted by the parties to the above-styled proceedings.

Counsel for certain of the parties have advised that they would be unable to attend the conference scheduled for March 13, 1979, and have requested that an alternative date for the conference be set. All of the parties have been contacted on this matter and are agreeable to convening the conference on March 20, 1979.

Accordingly, the conference that was scheduled to be held on March 13, 1979, in the above-styled proceedings will be held on March 20, 1979, in Room No. 3401, at the Offices of the Federal Energy Regulatory Commission, 825 North Capitol Street, NE. (North Building), Washington, D.C., 20426 at 1 p.m.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 79-5181 Filed 2-16-79; 8:45 am]

[6450-01-M]

[Docket Nos. EL78-18; ER76-828]

TOWN OF HIGHLANDS, N.C., ET AL.

Order Granting Intervention

FEBRUARY 8, 1979.

On June 9, 1978, the North Carolina Electric Membership Corporation and Haywood Electric Membership Corporation (Cooperatives) filed a Petition to Intervene in Docket No. EL78-18, a complaint proceeding brought by the Town of Highlands, North Carolina (Highlands) against Aluminum Company of America (Alcoa), and its wholly-owned subsidiaries, Nantahala Power and Light Company (Nantahala), and Tapoco Inc. (Tapoco) (Respondents). By order issued November 22, 1978, proceedings in Docket No. EL 78-18 were consolidated with the Nantahala rate case in Docket No. ER76-

828. By order issued March 26, 1976, Cooperatives were granted intervention in Docket No. ER76-828. As hereinafter ordered, we will grant Cooperatives' Petition to Intervene in Docket No. EL78-18, making them full parties to the consolidated proceedings.

In their petition, Cooperatives state that North Carolina Electric Membership Corporation (N.C. EMC) is the power supply agency of 28 distribution electric cooperatives in the state of North Carolina and that Haywood Electric Membership Corporation (Haywood) is a member of N.C. EMC and purchases a substantial portion of its wholesale bulk power supply requirements from Nantahala. Cooperatives allege that Respondents have diverted for the benefit and private use of Alcoa hydro-electric power and hydro-electric facilities dedicated to the public service, causing Nantahala ratepayers to pay unlawful, unjust and unreasonable rates. Cooperatives incorporate by reference, and adopt certain allegations, appendices, and attachments contained in the complaint filed by the Town of Highlands, North Carolina on April 24, 1979 in Docket No. EL 78-18.

On July 13, 1979, Respondents filed an Answer to Cooperatives Petition to Intervene. Respondents oppose the Cooperatives petition on the grounds that such petition is not ripe and that Cooperatives participation is unwarranted under 18 CFR Section 1.8(b)(2) since the interests of the Cooperatives are already represented by the Complaint filed by Highlands.

Cooperatives have standing to intervene. Haywood purchases a substantial portion of its wholesale bulk power supply from Nantahala, and N.C. EMC is the official agent of its member systems. Thereby, Cooperatives have shown sufficient interest and economic injury that may result from the Commission's action in the consolidated proceedings in Docket Nos. EL78-18 and ER76-828. Although the issues raised by Cooperatives are similar to those raised by Highlands, we do not believe that Highlands can adequately represent the interests of the Cooperatives. Accordingly, Respondents' request to reject Cooperative's Petition to Intervene shall be denied.

*The Commission orders:*

(A) Cooperatives are hereby permitted to intervene in this proceeding subject to the rules and regulations of the Commission: *Provided, however*, that participation by this intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in the petition to intervene, and *Provided, further*, that the admission of this intervenor shall not be construed as recognition by the Commission that it might be aggrieved

by any order or orders of the Commission entered in this proceeding.

(B) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 79-5182 Filed 2-16-79; 8:45 am]

[6450-01-M]

[Docket No. RP75-73 (AP No. 78-3)]

TEXAS EASTERN TRANSMISSION CORP.

Further Extension of Time

FEBRUARY 9, 1979.

On December 26, 1978, Texas Eastern Transmission Corporation filed a motion to suspend the procedural schedule in this proceeding as set forth in the Commission's order of September 1, 1978, and most recently modified by notice issued November 6, 1978. The motion states that Texas Eastern and Staff have agreed on a written Stipulation and Agreement which will resolve by settlement all issues concerning Texas Eastern's July 31, 1978 rate reduction filing. Texas Eastern asks that the procedural schedule be suspended to permit submission of the Stipulation and Agreement for Commission action. An offer of settlement or a settlement agreement may be submitted to the Commission or Presiding Judge, if applicable, at any time independent of the procedural schedule.

Pending the submission of the Agreement, the procedural dates in this proceeding are extended as follows:

Texas Eastern's case-in-chief; on or before April 9, 1979.

Staff's statement of position; on or before May 14, 1979.

Upon the filing of the Stipulation and Agreement, the procedural schedule will be considered to have been suspended without the need for further motions or notice.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 79-5183 Filed 2-16-79; 8:45 am]

[6450-01-M]

[Docket No. CP79-153]

TEXAS GAS TRANSMISSION CORP.

Application

FEBRUARY 8, 1979.

Take notice that on January 22, 1979, Texas Gas Transmission Corporation (Applicant), P.O. Box 1160, Owensboro, Kentucky 42301, filed in Docket No. CP79-153 an application pursuant to Section 7 of the Natural



Gas Act for permission and approval to abandon transportation services rendered for Mississippi Power and Light Company (Mississippi Power), and to abandon two sales meter runs which are utilized to render such service, all as more fully set forth in the application on file with the Commission and open to public inspection.

It is indicated that pursuant to a sales contract, dated September 11, 1952, as amended, between Applicant and Mississippi Power, Applicant agreed to make a direct industrial sale of natural gas, on an interruptible basis, to Mississippi Power for use by Mississippi Power at its Delta Steam Generating Plant near Cleveland, Mississippi. It is further indicated that the Federal Power Commission (FPC) authorized applicant in Docket No. G-2067 to construct and operate a sales meter station, which station was constructed at the junction of Applicant's dual 18-inch pipeline and a connecting 12-inch lateral, 4.5 miles in length, and that Applicant was also authorized in the aforementioned docket to transport and deliver to Mississippi Power up to 30,000 Mcf of natural gas per day and up to a total of 6,959,000 Mcf annually. Such authorization was limited to a period of ten years from the date of first delivery of natural gas to Mississippi Power, it is said. It is stated that pursuant to the FPC order of October 9, 1963, in Docket No. G-2067, Applicant was authorized to continue the service it rendered to Mississippi Power for an additional 15 years, which service ended October 6, 1978:

Applicant requests authorization to abandon the above-described service rendered for Mississippi, and the two sales meter runs which are utilized to render such service. Applicant states that the two sales meter runs sought to be abandoned are tied to the same sales meter station as a third sales meter run which Applicant was authorized to construct in Docket No. G-2241 in order to permit it to make sales of natural gas to Mississippi Valley Gas Company (Mississippi Valley). Applicant does not request authorization herein to abandon the third sales meter run nor that portion of the meter station to which it is connected.

It is asserted that Mississippi Power has not taken any natural gas for use at its Delta Steam Generating Plant since June, 1975, and that by letter agreement dated August 1, 1978, Applicant and Mississippi Power have agreed to terminate the sales contract between them dated September 11, 1952.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 1, 1979, file with the Federal Energy Regulatory Commission,

Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 79-5184 Filed 2-16-79; 8:45 am]

#### [6450-01-M]

[Docket No. G-19618]

#### VALLEY GAS TRANSMISSION, INC.

##### Petition To Amend

FEBRUARY 8, 1979.

Take notice that on November 13, 1978, as supplemented December 22, 1978, Valley Gas Transmission Inc. (Petitioner), 3430 Entex Building, Houston, Texas 77002, filed in Docket No. G-19618 a petition to amend the order issued December 29, 1960,<sup>1</sup> in the instant docket pursuant to Section 7(c) of the Natural Gas Act so as to include an additional delivery point with Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), all as more fully set forth in the peti-

<sup>1</sup>This proceeding was commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the FERC.

tion to amend which is on file with the Commission and open for public inspection.

Petitioner states that pursuant to the order issued December 29, 1960, in said docket, it is rendering a gas sales service to Tennessee and such service is pursuant to the terms and conditions of its Rate Schedule No. 1.<sup>2</sup>

From time to time since commencement of service under Rate Schedule No. 1, Petitioner and Tennessee have added additional delivery points under this contractual authority, it is said.

Petitioner asserts that the tariff sheets filed in said petition to amend add a new delivery point under Rate Schedule No. 1 and add to the reserves from which Petitioner delivers to Tennessee certain reserves dedicated to Petitioner which belong to Texas Energy Exploration, Inc. in the Tom Graham Field, Jim Wells County, Texas.

Petitioner states that deliveries to Tennessee at the new delivery point commenced on November 10, 1978, and requests that the effective date of the proposed tariff sheets commence on that date.

It is said that Petitioner constructed the facilities necessary to render the proposed service pursuant to its budget certificate in Docket No. CP78-344 and Petitioner is rendering the sales service pursuant to its original certificate in the instant docket.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before March 1, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 79-5185 Filed 2-15-79; 8:45 am]

<sup>2</sup>As contained in Petitioner's presently effective FERC Gas Tariff, Original Volume No. 1.



[6450-01-M]

[Docket No. ER79-175]

VIRGINIA ELECTRIC &amp; POWER CO.

Filing

FEBRUARY 7, 1979.

Take notice that Virginia Electric & Power Company (VEPCO), on January 25, 1979, tendered for filing a Letter Agreement with the Greenville Utilities Commission (GUC) establishing a second, 115 kn delivery point for GUC. An effective date of August 2, 1978 is requested.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C., 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before February 16, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 79-5186 Filed 2-16-79; 8:45 am]

[6450-01-M]

Office of Hearings and Appeals

APPLICATION FOR EXCEPTION FILED BY  
ATLANTIC RICHFIELD CO.

Public Hearing

AGENCY: Office of Hearings and Appeals Department of Energy.

ACTION: Notice of Public Hearing.

SUMMARY: The Office of Hearings and Appeals of the Department of Energy (DOE) gives notice of a public hearing to be held in Washington, D.C. to receive comments with respect to an Application for Exception filed by the Atlantic Richfield Company (Arco) on February 12, 1979, Case No. DEE-2164. In its submission, Arco requests relief from the provisions of 10 CFR 211.10 which requires that allocations of motor gasoline be determined by reference to volumes supplied during 1972, as adjusted. The purpose of this hearing is to provide interested persons an opportunity to make oral presentations regarding the basis for Arco's request that exception relief be granted to Arco which permits the

firm to determine allocation levels on the basis of 1978 supply levels.

DATES:

Hearing: February 26, 1979 at 9:30 a.m.

Request to Speak: February 22, 1979.

ADDRESSES:

Request to Speak: Debra Kidwell, Office of Public Hearing Management, Box WU, 2000 M Street, NW., Room 2313, Washington, D.C. 20461 (202) 254-5201.

Hearing Location: Room 2105, 2000 M Street, NW., Washington, D.C. 20461.

Comments and Further Information to:

Thomas O. Mann, Associate Director, Office of Hearings and Appeals, 2000 M Street, NW., Room 8014, Washington, D.C. 20461, (202) 254-8606.

SUPPLEMENTARY INFORMATION:

Currently pending before the Office of Hearings and Appeals is an Application for Exception filed by the Atlantic Richfield Company (Arco) on February 12, 1979. In its Application for Exception, Arco states that the firm's future supply of gasoline may be insufficient to meet the needs of its customers. According to the Arco submission, several factors, including the application of the DOE price regulations, have resulted in an increased demand for the firm's products. Arco indicates that it has been able to meet the demands of its customers to date. However, Arco projects that its inventories will reach unacceptably low levels sometime in the future and that the firm will consequently be forced to allocate gasoline. According to the firm, if Arco were required to allocate gasoline according to the 1972 base period, a hardship will result to those customers whose actual sales in 1978 far exceed their base period volumes.

Arco contends that in order to equitably distribute its available supplies of gasoline until demand returns to normal levels, an exception should be granted which permits it to use an allocation method which more closely reflects current demand than the 1972 base period specified in Section 211.102 of the DOE allocation regulations.

Since granting exception relief will affect the customers of Arco, the DOE has determined that it would prove beneficial to convene a public hearing at which all interested parties will have an opportunity to make oral presentations regarding the merits of the Arco exception application.

Any party that wishes to make an oral presentation at the hearing should contact the individual whose name appears at the beginning of this notice by February 22, 1979. The

Office of Hearings and Appeals reserves the right to limit the number of persons to be heard and to establish the procedures governing the conduct of the hearing. Those individuals selected to make oral presentations will be notified by February 23, 1979. The Director of the Office of Hearings and Appeals or his designee will preside at this hearing. Please bring 100 copies of the Proposed Statement to the hearing.

At the hearing, representatives from Arco will be afforded an opportunity to make an initial statement. Following those statements, interested parties, including customers affected by the exception application, will be permitted to make statements subject to reasonable time constraints. If any person wishes to ask a question of any person who has made an oral presentation at the hearing, he or she may submit the question, in writing, to the presiding officer. The presiding officer will determine whether the question is relevant and whether the time limitations permit it to be presented for an answer.

At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations. Any further procedural rules needed for the proper conduct of the hearing will be announced by the presiding officer.

A transcript of the hearing will be made and may be purchased from the reporter. The entire record of the hearing will be retained by DOE and will be made available for inspection at the Office of Hearings and Appeals Public Docket Room, Room B-120, 2000 M Street, N.W., Washington, D.C. 20461, between the hours of 1:00 p.m. and 5:00 p.m., e.s.t., Monday through Friday.

Issued in Washington, D.C., February 15, 1979.

MELVIN GOLDSTEIN,  
Director,

Office of Hearings and Appeals.

[FR Doc. 79-5441 Filed 2-16-79; 10:09 am]

[6450-01-M]

APPLICATION FOR EXCEPTION FILED BY MOBIL  
OIL CORP.

Public Hearing

AGENCY: Office of Hearings and Appeals Department of Energy.

ACTION: Notice of Public Hearing.

SUMMARY: The Office of Hearings and Appeals of the Department of Energy (DOE) gives notice of a public hearing to be held in Washington,

D.C. to receive comments with respect to an Application for Exception filed by the Mobil Oil Corporation (Mobil) on February 9, 1979, Case No. DEE-2163. In its submission, Mobil requests relief from the provisions of 10 CFR 211.10 which requires that allocations of motor gasoline be determined by reference to volumes supplied during 1972, as adjusted. The purpose of this hearing is to provide interested persons an opportunity to make oral presentations regarding the basis for Mobil's request that exception relief be granted to Mobil which permits the firm to determine allocation levels on the basis of 1978 supply levels.

**DATES:**

Hearing: February 28, 1979 at 9:30 a.m.

Request to Speak: February 22, 1979.

**ADDRESSES:**

Request to Speak: Debra Kidwell, Office of Public Hearing Management, Box WW, 2000 M Street NW., Room 2313, Washington, D.C. 20461, (202) 254-5201.

Hearing Location: Room 2105, 2000 M Street NW., Washington, D.C. 20461.

Comments and Further Information to:

Thomas O. Mann, Associate Director, Office of Hearings and Appeals, 2000 M Street, NW., Room 8014, Washington, D.C. 20461, (202) 254-8606.

**SUPPLEMENTARY INFORMATION:** Currently pending before the Office of Hearings and Appeals is an Application for Exception filed by the Mobil Oil Corporation (Mobil) on February 9, 1979. In its Application for Exception, Mobil states that the firm's future supply of gasoline may be insufficient to meet the needs of its customers. According to the Mobil submission, several factors including the application of the DOE price regulations, have resulted in an increased demand for the firm's products. Mobil indicates that it has been able to meet the demands of its customers to date. However, Mobil projects that its inventories will reach unacceptably low levels sometime in the future and that the firm will consequently be forced to allocate gasoline. According to the firm, if Mobil were required to allocate gasoline according to the 1972 base period, a hardship will result to those customers whose actual sales in 1978 far exceed their base period volumes.

Mobil contends that in order to equitably distribute its available supplies of gasoline until demand returns to normal levels, an exception should be granted which permits it to use an allocation method which more closely reflects current demand than the 1972 base period specified in Section

211.102 of the DOE allocation regulations.

Since granting exception relief will affect the customers of Mobil, the DOE has determined that it would prove beneficial to convene a public hearing at which all interested parties will have an opportunity to make oral presentations regarding the merits of the Mobil exception application.

Any party that wishes to make an oral presentation at the hearing should contact the individual whose name appears at the beginning of this notice by February 22, 1979. The Office of Hearings and Appeals reserves the right to limit the number of persons to be heard and to establish the procedures governing the conduct of the hearing. Those individuals selected to make oral presentations will be notified by February 23, 1979. The Director of the Office of Hearings and Appeals or his designee will preside at this hearing. Please bring 100 copies of the Proposed Statement to the hearing.

At the hearing, representatives from Mobil will be afforded an opportunity to make an initial statement. Following those statements, interested parties, including customers affected by the exception application, will be permitted to make statements subject to reasonable time constraints. If any person wishes to ask a question of any person who has made an oral presentation at the hearing, he or she may submit the question, in writing, to the presiding officer. The presiding officer will determine whether the question is relevant and whether the time limitations permit it to be presented for an answer.

At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations. Any further procedural rules needed for the proper conduct of the hearing will be announced by the presiding officer.

A transcript of the hearing will be made and may be purchased from the reporter. The entire record of the hearing will be retained by DOE and will be made available for inspection at the Office of Hearings and Appeals Public Docket Room, Room B-120, 2000 M Street, N.W., Washington, D.C. 20461, between the hours of 1:00 p.m. and 5:00 p.m., e.s.t., Monday through Friday. Issued in Washington, D.C., February 15, 1979.

MELVIN GOLDSTEIN,

Director,

Office of Hearings and Appeals.

[FR Doc. 79-5442 Filed 2-16-79; 10:09 am]

[6560-01-M]

## ENVIRONMENTAL PROTECTION AGENCY

IFR LOG No. I063-21

### ENVIRONMENTAL IMPACT STATEMENTS

#### Availability

**AGENCY:** Office of Federal Activities, Environmental Protection Agency.

**PURPOSE:** This Notice lists the Environmental Impact Statements which have been officially filed with the EPA and distributed to Federal Agencies and interested groups, organizations and individuals for review pursuant to the Council on Environmental Quality's Regulations (40 CFR Part 1506.9).

**PERIOD COVERED:** This Notice includes EIS's filed during the week of February 5 to February 9, 1979.

**REVIEW PERIODS:** The 45-day review period for draft EIS's listed in this Notice is calculated from February 16, 1979 and will end on April 2, 1979. The 30-day wait period for final EIS's will be computed from the date of receipt by EPA and commenting parties.

**EIS AVAILABILITY:** To obtain a copy of an EIS listed in this Notice you should contact the Federal agency which prepared the EIS. This Notice will give a contact person for each Federal agency which has filed an EIS during the period covered by the Notice. If a Federal agency does not have the EIS available upon request you may contact the Office of Federal Activities, EPA for further information.

**BACK COPIES OF EIS'S:** Copies of EIS's previously filed with EPA or CEQ which are no longer available from the originating agency are available at 10 cents per page from the Environmental Law Institute, 1346 Connecticut Avenue, Washington, D.C. 20036.

#### FOR FURTHER INFORMATION CONTACT:

Kathi Weaver Wilson, Office of Federal Activities, A-104, Environmental Protection Agency, 401 M Street, SW, Washington, D.C. 20460, (202) 755-0780.

**SUMMARY OF NOTICE:** Appendix I sets forth a list of EIS's filed with EPA during the week of January 29 to February 2, 1979, the Federal agency filing the EIS, the name, address, and telephone number of the Federal agency contact for copies of the EIS, the filing status of the EIS, the actual date the EIS was filed with EPA, the title of the EIS, the State(s) and County(ies) of the proposed action

and a brief summary of the proposed Federal action and the Federal agency EIS number if available. Commenting entities on draft EIS's are listed for final EIS's.

Appendix II sets forth the EIS's which agencies have granted an extended review period or a waiver from the prescribed review period. The Appendix II includes the Federal agency responsible for the EIS, the name, address, and telephone number of the Federal agency contact, the title, State(s) and County(ies) of the EIS, the date EPA announced availability of the EIS in the FEDERAL REGISTER and the extended date for comments.

Appendix III sets forth a list of EIS's which have been withdrawn by a Federal agency.

Appendix IV sets forth a list of EIS retractions concerning previous Notices of Availability which have been made because of procedural noncompliance with NEPA or the CEQ regulations by the originating Federal agencies.

Appendix V sets forth a list of reports or additional supplemental information on previously filed EIS's which have been made available to EPA by Federal agencies.

Appendix VI sets forth official corrections which have been called to EPA's attention.

Dated: February 14, 1979.

WILLIAM N. HEDEMAN, Jr.,  
*Director,*  
*Office of Federal Activities.*

#### APPENDIX I

EIS'S FILED WITH EPA DURING THE WEEK OF  
FEBRUARY 5 TO 9, 1979

#### DEPARTMENT OF AGRICULTURE

Contact: Mr. Barry Flamm, Coordinator, Environmental Quality Activities, U.S. Department of Agriculture, room 412A, Washington, D.C. 20250, (202) 447-3965.

#### FOREST SERVICE

##### Draft

Western Spruce Budworm, Kaibab NF, Grand Canyon NP, Coconino County, Ariz., February 9: Proposed are four alternatives regarding a western spruce epidemic on 100,000 acres of the Kaibab National Forest and the Grand Canyon National Park, Coconino County, Ariz. The Alternatives include: (1) No action, (2) silvicultural control to change the forest environment on national forest lands, (4) integrated pest management with use of pesticide on all lands, and (5) partial treatment of campgrounds, recreational areas, and highly productive timber sites, on national forest lands only. (DES-03-07-79-1) (EIS Order No. 90159).

Wallowa-Whitman NF, 10-year timber resource plan, several counties in Oregon, February 5: Proposed is the development of a revised 10-year timber resource plan for the Wallowa-Whitman National Forest in the counties of Baker, Grant, Malheur, Umatilla, and Union, Oreg. Four alternatives are described for the management of

the timber resources on 1,141,406 acres classified as commercial forest land available for timber production by the land management planning process. The alternatives considered include: (1) No change, (2) extensive management, (3) intensive management, and (4) intensive management/declining flow. (DES-06-16-79-03) (EIS Order No. 90143).

#### SOIL CONSERVATION SERVICE

##### Final

Brush Creek Watershed, Mercer County, W. Va., February 9: This action involves a project for watershed protection and flood prevention in Mercer County, W. Va., to be implemented under authority of the Watershed Protection and Flood Prevention Act and authorized for installation June 21, 1960. Planned project measures consist of installing conservation land treatment measures on about 4,330 acres, six flood water retarding structures, four multiple purpose structures, recreation facilities, 1.44 miles of channel work on Gladly Fork, and 5.85 miles of channel work on Brush Creek. Since the project authorization, about 80 percent of the work has been installed. (USDA-SCS-EIS-WS-(ADM)-78-2-(F)-WV). Comments made by: COE, DOI, EPA, ORBC, USDA, State agencies (EIS Order No. 90157).

#### U.S. DEPARTMENT OF DEFENSE, AIR FORCE

Contact: Carlos Stern, Ph. D., Deputy for Environment and Safety (SAF/MIQ), Office of the Secretary of the Air Force, U.S. Department of the Air Force, Washington, D.C. 20330, (202) 697-0800.

##### Draft

Flight operations in the Sells Airspace, Pima County, Ariz., February 9: This statement considers, as a continuing activity. The impacts of current and future aircrew training in the airspace over the Papago Indian Reservation in Pima County, Ariz., commonly referred to as Sells Airspace. Training in this airspace is conducted by Air Force and Air National Guard units stationed at Luke AFB and Williams AFB near Phoenix, Ariz. and at Davis-Monthan AFB and Tuscon International Airport near Tuscon, Ariz. (EIS Order No. 90150).

#### U.S. ARMY CORPS OF ENGINEERS

Contact: Dr. C. Grant Ash, Office of Environmental Policy, Attention: DAEN-CWRP, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue SW., Washington, D.C. 20314, (202) 693-6795.

##### Draft

Ohio River navigation project, O/M, several counties, February 6: Proposed is the continuance of the operation and maintenance of 20 locks and dams of the existing Ohio River navigation project in the States of Pennsylvania, West Virginia, Ohio, Kentucky, Indiana, and Illinois. Maintenance includes the removal of barriers to navigation, construction and maintenance of various channel regulating structures, and periodic dredging, confined largely to the approach channels of the locks and the mouths of tributary streams. Dredge spoil will continue to be disposed of in accordance with existing regulations, either on land or in open water. (Ohio River Division) (EIS Order No. 90148).

##### Final

Locks and dam No. 1, rehabilitation, St. Paul, Minn., February 9: Proposed is the rehabilitation of locks and dam No. 1 in the St. Paul-Minneapolis reach of the Mississippi River at mile 847.6 above the mouth of the Ohio River. Plan implementation calls for the closing and dewatering of the two locks from December 1 to May 1; rehabilitation should not affect the normal navigation season. The lock walls would be resurfaced and new machinery and associated equipment installed. (St. Paul District). Comments made by: EPA, USDA, DOE, DOI, USCG, DOT, State and local agencies (EIS Order No. 90158).

Arkabutla, Enid, Grenada, and Sardis Lakes, O/M, several counties in Mississippi, February 5: Proposed is the continuation of operation and maintenance activities at Arkabutla, Enid, Grenada and Sardis Lakes, Miss. These projects were authorized for flood control within the Yazoo River basin and are designed to protect the basin from overflow above the head of the Mississippi River backwater area. Arkabutla Lake is located in Tate and DeSoto Counties; Enid Lake is located in Yalobusha, Panola and Lafayette Counties; Grenada Lake is located in Grenada, Calhoun and Yalobusha Counties, and; Sardis Lake is located in Panola, Lafayette and Marshall Counties. (Vicksburg District). Comments made by: DOE, USDA, DOC, DOI, EPA, State and local agencies (EIS Order No. 90141).

#### DEPARTMENT OF ENERGY

Contact: Dr. Jack M. Heinemann, Advisor on Environmental Quality, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426 (202) 275-6569.

#### FEDERAL ENERGY REGULATORY COMMISSION

##### Final

Green Lake project No. 2818, Sitka, Alaska, February 6: Proposed is the issuance of a license for the construction and operation of the Green Lake project No. 2818 by the city and borough of Sitka, Alaska. The issuance of a license would authorize the construction of: (1) A dam at the outlet of Green Lake, (2) a power tunnel leading to a powerhouse at tidewater on Silver Bay, (3) a switchyard, (4) access roads, (5) a transmission line and (6) appurtenant facilities. This license would also authorize the operation of project works to produce an electric power supply. The project area is located approximately 10 air miles southeast of Sitka City proper on the Vodopad River (FERC-EIS-006). Comments made by: DOI, EPA, USDA, HEW, COE, State agencies (EIS Order No. 90145).

#### DEPARTMENT OF HUD

Contact: Mr. Richard H. Brown, Director, Office of Environmental Quality, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410, (202) 755-6306.

##### Draft

Cypress Meadows subdivision, mortgage insurance, Harris County, Tex., February 5: Proposed is the issuance of HUD home mortgage insurance for the Cypress Meadows subdivision located in Harris County, Tex. The subdivision, when completed will encompass approximately 312 acres and is expected to consist of approximately 1,120

dwelling units. The dwelling units will be single-family homes. Shopping and recreational facilities are included (HUD-RO6-EIS-3D) (EIS Order No. 90138).

#### *Final*

Village Park, Waipahu, Oahu Island, Honolulu, Hawaii, February 9: Proposed is the issuance of HUD home mortgage insurance for the Village Park subdivision, Waipahu, Oahu Island, Hawaii. The project is located on 316.4 acres and is expected to house an estimated 6,750 people. Development will provide 1,445 single family detached units, 310 condominium units, 4.5 acres of commercial land, a grade school and two parks. The balance of the land remains in gulch, easements or inaccessible. Alternative site designs and no project are considered (HUD-RO9-EIS-78-6F). Comments made by: DOT, USDA, COE, USN, EPA, DOC, USAF, GSA, VA, State and local agencies, groups, and businesses (EIS Order No. 90153).

Alderbrook Estates, master plan, King County, Wash., February 5: Proposed is the issuance of home mortgage insurance for Alderbrook Estates in King County, Wash. The subdivision, which encompasses approximately 171.75 acres, will include approximately: (1) 541 single-family lots, (2) 170 multifamily units, and (3) 87,000 square feet of business space. The three alternatives considered are: (1) disapproval of the proposed development or cancellation by the applicant, (2) disapproval of one or both rezoning applications, (3) rejection of participation by HUD (HUD-RO10-EIS-78-4F). Comments made by: USDA, COE, EPA, DOE, DOI, AHP, State and local agencies, groups, and individuals (EIS Order No. 90139).

#### SECTION 104(h)

#### *Draft*

North-Central Jefferson County water system, Jefferson County, Ala., February 5: Proposed is the extension of a potable water supply with adequate pressure to residents found within the North-Central Jefferson County area, Ala. The project will involve the installation of approximately 270,000 linear feet of pipe sized to provide an adequate water supply to alleviate a documented health hazard. Considered are operational, design, and service area alternatives (EIS Order No. 90142).

#### DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, room 4256, Interior Building, Department of the Interior, Washington, D.C. 20240, (202) 343-3891.

#### BUREAU OF LAND MANAGEMENT

#### *Final*

Vegetation management with herbicides, Oregon forests, several counties in Oregon, February 6: The proposed action is the use of herbicides registered with EPA to manage vegetation on approximately 74,500 acres annually in Coos, Curry, Douglas Jackson, Josephine, Lane, and Klamath Counties, Oreg. Primary uses include: (1) The preparation of forest lands for tree planting, (2) release of planted trees from competing vegetation, (3) maintenance of roads, utility rights-of-way and other improvements and control of poisonous and noxious weeds. Methods of application include aerial, truck mounted equipment,

hand held devices and direct hand application. (FES-78-6). Comments made by: USDA, AHP, EPA, DOI, State and local agencies, groups, individuals, and businesses (EIS Order No. 90144).

#### NUCLEAR REGULATORY COMMISSION

Contact: Mr. Richard E. Cunningham, Director, Division of Fuel Cycle and Material Safety, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, mail 396-SS, (301) 427-4152.

#### *Draft*

Shooting Canyon uranium project, operation, Garfield County, Utah, February 9: Proposed is the construction and operation of the Shooting Canyon uranium processing mill located in Garfield County, Utah. The mill will have a nominal processing capacity of 680 metric tons of dry ore per day. Waste materials from the mill will be produced at a rate of about 680 metric tons of solids per day and stored in a tailing impoundment. The storage capacity is designed for a 20-year period in case additional ore is located (NUREG-0504) (EIS Order No. 90156).

#### TENNESSEE VALLEY AUTHORITY

Contact: Dr. Harry G. Moore, Jr., Acting Director, Division of Environmental Planning, Tennessee Valley Authority, 268 401 Building, Chattanooga, Tennessee 37401, (615) 755-3161.

#### *Final*

Cordova-Union-Browns Ferry, transmission line, Tennessee, Alabama, Mississippi, February 9: The proposed action involves the plan to supply the anticipated generation needs for the overall power system. In examining the adequacy of the transmission system with these planned generating plant additions, some deficiencies in localized western areas of the power system became apparent. To supply the forecasted loads for the early 1980's in the Memphis and Jackson, Tenn. and Tupelo, Miss. Areas, it will be necessary to augment the transmission capacity to these load centers with additional east-west power transfer capacity facilities. The plan includes location, construction and maintenance of the Union, Miss. 500 kV substation/200 miles of transmission line. Comments made by: EPA, DOI, AHP, USCG, USDA, DOE, State agencies (EIS Order No. 90154).

#### DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Affairs, U.S. Department of Transportation, 400 Seventh Street, S.W., Washington, D.C. 20590, (202) 426-4357.

#### FEDERAL AVIATION ADMINISTRATION

#### *Draft*

Palmdale International Airport, Palmdale, Los Angeles, Calif., February 8: Proposed is the construction of the Palmdale International Airport located in Palmdale, Los Angeles County, Calif. The project will consist of: (1) Land acquisition; (2) site preparation; (3) construction of a commuter general aviation runway complex, including service facilities; and (4) construction of additional parallel runways. The purpose of this airport is to provide international and all stage-length haul services that will accommodate part of the future air transportation

travel demand of the northern sectors of the greater Los Angeles Metropolitan area. (EIS Order No. 90149).

**FEDERAL HIGHWAY ADMINISTRATION**

*Draft*

U.S. 71, Milford to Spirit Lake, construction, Dickinson County, Iowa, February 6: Proposed is the construction/development of a four-lane highway facility replacing an existing two-lane roadway in Dickinson County, Iowa. The project, which would follow the general alignment of existing U.S. 71, would begin just south of 14th Street in Milford and extend northerly to the west junction of Iowa 9, in Spirit Lake. Total length of the project is approximately 7.1 miles. (FHWA-IOWA-EIS-79-01-D) (EIS Order No., 90147).

U.S. 19, Andrews bypass to U.S. 19/NC-28 intersection, several counties in North Carolina, February 5: Proposed is the construction of an improved U.S. 19 from the Andrews bypass to the U.S. 19/NC-28 intersection near Almond in the counties of Cherokee, Graham, Macon, and Swain, N.C. The alternatives considered include: (1) Construction of a four-lane divided highway along one of eight alternate locations, and (2) two reduced facility concepts. (FHWA-NC-EIS-78-09-D) (EIS Order No. 90140).

The Corvallis bypass, Corvallis, Benton County, Oreg., February 6: Proposed is the construction of a bypass around the Corvallis central business district in Benton County, Oreg. The bypass would re-route through-traffic, particularly heavy truck traffic around the city. The alternatives considered include: (1) Do-nothing, (2) a central corridor, (3) a western corridor, and (4) street modification. (FHWA-OR-EIS-78-06-D) (EIS Order No. 90146).

*Final*

FAP 408, Barry to Quincy, Pike and

Adams Counties, Ill., February 9: The statement refers to the proposed construction of a section of supplemental freeway FAP 408 between Barry and Quincy. It will provide a four-lane, fully access controlled facility in Pike and Adams Counties for a length of 26 miles. (FHWA-ILL-EIS-74-01-F). Comments made by: DOT, DOI, USDA, COE, EPA, State and local agencies, businesses (EIS Order No. 90151).

Fayetteville airport connector to I-95, Cumberland County, N.C., February 9: The proposed project consists of providing access between the Fayetteville airport and planned I-95 by: Constructing an interchange on I-95 at or near NC-2219; and providing a two-lane facility between the new interchange and NC-2212. The proposed interchange will be located approximately 1.8 to 2.2 miles from the nearest planned interchange (at NC-87 relocated). Six alternatives considered include: No-build, public transportation, a northern interchange location, and partial relocation and improvements (FHWA-NC-EIS-78-04-F). Comments made by: COE, HEW, DOE, GSA, EPA, DOI, State and local agencies (EIS order No. 90152).

**U.S. COAST GUARD**

*Draft*

Tanker safety and pollution prevention, February 9: Proposed are amendments to certain pollution prevention regulations concerning tanker safety and pollution prevention. These amendments would implement ship/tanker construction and equipment requirements under the International Conference on Tanker Safety and Pollution Prevention, and the Port and Tanker Safety Act. These amendments will apply to both new and existing crude and product carriers. (EIS Order No. 90155).

## NOTICES

[6560-01-C]

## APPENDIX II

EXTENSION/WAIVER OF REVIEW PERIODS  
ON EIS'S FILED WITH EPA

| FEDERAL AGENCY CONTACT | TITLE OF EIS | FILING STATUS<br>ACCESSION NO. | DATE NOTICE<br>OF AVAILABILITY<br>PUBLISHED IN FR | WAIVER,<br>EXTENSION | DATE<br>REVIEW<br>TERMINAT |
|------------------------|--------------|--------------------------------|---|----------------------|----------------------------|
|------------------------|--------------|--------------------------------|---|----------------------|----------------------------|

NONE

## APPENDIX III

EIS'S FILED WITH EPA WHICH  
HAVE BEEN OFFICIALLY WITHDRAWN  
BY THE ORIGINATING AGENCY

| FEDERAL AGENCY CONTACT | TITLE OF EIS | FILING STATUS<br>ACCESSION NO. | DATE NOTICE<br>OF AVAILABILITY<br>PUBLISHED IN FR | DATE OF<br>WITHDRAWAL |
|------------------------|--------------|--------------------------------|---|-----------------------|
|------------------------|--------------|--------------------------------|---|-----------------------|

U.S. ARMY CORPS OF ENGINEERS

|   |  |                |                |                  |
|---|--|----------------|----------------|------------------|
| Dr. C. Grant Ash<br>Office of Environmental Policy<br>ATTN: DAEN-CWR-P<br>Office of the Chief of Engineers<br>U.S. Army Corps of Engineers<br>100 Independence Avenue, SW<br>Washington, DC 20314<br>(202) 693-6795 | SHORELINE DEVELOPMENT, PAGO PAGO<br>HARBOR, TUTUILA ISLAND, AMERICAN SAMOA | DRAFT<br>80817 | August 8, 1978 | 2/7/79<br>Letter |
|---|--|----------------|----------------|------------------|

## APPENDIX IV

## NOTICE OF OFFICIAL RETRACTION

| FEDERAL AGENCY CONTACT | TITLE OF EIS | STATUS<br>NUMBER | DATE NOTICE<br>PUBLISHED IN FR | REASON FOR<br>RETRACTION |
|------------------------|--------------|------------------|--------------------------------|--------------------------|
|------------------------|--------------|------------------|--------------------------------|--------------------------|

DEPARTMENT OF COMMERCE

|  |  |                |          |  |
|--|--|----------------|----------|--|
| DR. SIDNEY R. GALLER<br>ASSISTANT SECRETARY FOR<br>ENVIRONMENTAL AFFAIRS<br>DEPARTMENT OF COMMERCE<br>WASHINGTON, D.C. 20230<br>(202) 377-4335 | STONE CRAB FISHERY<br>MANAGEMENT PLAN, GULF<br>OF MEXICO | FINAL<br>90113 | 02/13/79 | DISTRIBUTION OF THE FINAL EIS WAS<br>NOT MADE WHEN THE NOTICE OF AVAIL-<br>ABILITY WAS PUBLISHED BY EPA.<br>THEREFORE, THE NOTICE OF THE FEIS<br>IS RETRACTED AND REFILED AS OF<br>FEBRUARY 8, 1979. |
|--|--|----------------|----------|--|

## APPENDIX V

AVAILABILITY OF REPORTS/ADDITIONAL  
INFORMATION RELATING TO EIS'S  
PREVIOUSLY FILED WITH EPA

| FEDERAL AGENCY CONTACT | TITLE OF REPORT | DATE MADE<br>AVAILABLE TO<br>EPA | ACCESSION<br>NO. |
|------------------------|-----------------|----------------------------------|------------------|
|------------------------|-----------------|----------------------------------|------------------|

U.S. ARMY CORPS OF ENGINEERS

|  |   |          |       |
|--|---|----------|-------|
| DR. C. GRANT ASH<br>OFFICE OF ENVIRONMENTAL POLICY<br>ATTN: DAEN-CWR-P<br>OFFICE OF THE CHIEF OF ENGINEERS<br>1000 INDEPENDENCE AVENUE, S.W.<br>WASHINGTON, D.C. 20314<br>(202) 693-6795 | LIBBY DAM AND LAKE KOOCANUSA,<br>KOOTENAI RIVER | 02/01/79 | 90126 |
|--|---|----------|-------|

## APPENDIX VI

## OFFICIAL CORRECTION

| FEDERAL AGENCY CONTACT | TITLE OF EIS | FILING STATUS<br>ACCESSION NO. | DATE NOTICE<br>OF AVAILABILITY<br>PUBLISHED IN FR | CORRECTION |
|------------------------|--------------|--------------------------------|---|------------|
|------------------------|--------------|--------------------------------|---|------------|

NONE

[FR Doc. 79-5294 Filed 2-16-79; 8:45 am]

[6560-01-M]

[FRL 1062-61]

## EPA ADVISORY COMMITTEES

## Annual Comprehensive Review

We are currently in the process of conducting the Agency's annual comprehensive review of Federal advisory committees. I invite you to submit whatever remarks are germane to answering the following questions about each of our advisory committees: (1) Does the Agency have a compelling need for it; (2) Is the committee's membership truly balanced; and (3) Has the committee conducted its business as openly as possible, consistent with the law and their mandate? The EPA advisory committees are listed below:

1. Administrator's Toxic Substances Advisory Committee
2. Clean Air Scientific Advisory Committee
3. FIFRA Scientific Advisory Panel
4. Management Advisory Group to the Municipal Construction Division
5. National Air Pollution Control Techniques Advisory Committee
6. National Drinking Water Advisory Committee
7. Science Advisory Board

If you wish to comment, please submit your responses by February 28, 1979 to: Mrs. Mary Anne Beatty, Committee Management Officer, U.S. Environmental Protection Agency, Room 405-B Waterside Mall West (PM-213), 401 M Street, S.W., Washington, D.C. 20460. Telephone (202) 755-0866.

Dated February 9, 1979.

WILLIAM DRAYTON, JR.,  
Assistant Administrator  
for Planning and Management.

[FR Doc. 79-5264 Filed 2-16-79; 8:45 am]

[6560-01-M]

[FRL 1062-71]

## AMBIENT AIR MONITORING REFERENCE AND EQUIVALENT METHOD DESIGNATIONS

Columbia Scientific Industries Model 2000 Ozone Meter Thermo Electron Model 14D/E Chemiluminescent NO-NO<sub>2</sub>-NO<sub>x</sub> Analyzer

Notice is hereby given that EPA, in accordance with 40 CFR Part 53 (40 FR 7044, 41 FR 11252, 41 FR 52694), has designated an additional reference method for the measurement of ambient concentrations of ozone (O<sub>3</sub>) and an additional reference method for the measurement of ambient concentrations of nitrogen dioxide (NO<sub>2</sub>). Both methods are automated methods (analyzers). The first is a reference

method for O<sub>3</sub> which employs the gas phase chemiluminescence measurement principle specified for O<sub>3</sub> reference methods by Appendix D of 40 CFR Part 50. The other method is a reference method for NO<sub>2</sub>, which uses the gas phase chemiluminescence measurement principle specified for NO<sub>2</sub> reference methods by Appendix F of 40 CFR Part 50 (as amended on December 1, 1976—41 FR 52688). The methods are as follows:

RFOA-0279-036 "Columbia Scientific Industries Model 2000 Ozone Meter", when operated on the 0-0.5 ppm range with either AC or battery power. The BCA 952 battery charger/AC adapter M952-0002 (115V) or M952-0003 (230V) is required for AC operation. An internal battery M952-0006 or 12 volt external battery is required for portable non-AC powered operation.

A notice of receipt of application for this method appeared in the FEDERAL REGISTER, Volume 43, September 8, 1978, page 40055. The method is available from Columbia Scientific Industries, 11950 Jollyville Road, P.O. Box 9908, Austin, TX 78766.

RFNA-0279-037, "Thermo Electron Model 14D/E Chemiluminescent NO-NO<sub>2</sub>-NO<sub>x</sub> Analyzer," operated on the 0-0.5 ppm range with or without any of the following options:

- 14-001 Teflon Particulate Filter
- 14-002 Voltage Divider Card

A notice of receipt of application for this method appeared in the FEDERAL REGISTER, Volume 42, September 18, 1977, page 46575. The method is available from Thermo Electron Corporation, Environmental Instruments Division, 108 South Street, Hopkinton, MA 01748.

A test analyzer representative of each of these methods has been tested by the respective applicant, in accordance with the test procedures specified in 40 CFR Part 53 as amended on December 1, 1976 (41 FR 52694). After reviewing the results of these tests and other information submitted by the respective applicant, EPA has determined, in accordance with Part 53, that these methods should be designated as reference methods. The information submitted by the applicants will be kept on file at the address shown below and will be available for inspection to the extent consistent with 40 CFR Part 2 (EPA's regulations implementing the Freedom of Information Act).

As reference methods, these methods are acceptable for use by states and other control agencies for purposes of Section 51.17(a) of 40 CFR Part 51 ("Requirements for Preparation, Adoption, and Submittal of Implementation Plans") as amended on February 18, 1975 (40 FR 7042). For such use, each method must be used in

strict accordance with the operation or instruction manual provided with the method subject to any limitations (e.g., operating range) specified in the applicable designation (see descriptions of the methods above). Vendor modifications of a designated method used for purposes of § 51.17(a) are permitted only with prior approval of EPA, as provided in Part 53. Provisions concerning modification of such methods by users are specified under § 51.17(a)(f) (41 FR 11255).

In general, designation applies to any analyzer which is identical to the analyzer described in the designation. In many cases, similar analyzers manufactured prior to the designation may be upgraded (e.g., by minor modification or by substitution of a new operation or instruction manual) so as to be identical to the designated method and thus achieve designated status at modest cost. The manufacturer should be consulted to determine the feasibility of such upgrading.

Part 53 requires that sellers of designated methods comply with certain conditions. The conditions are given in 40 CFR 53.9 and are summarized below.

(1) A copy of the approved operation or instruction manual must accompany the method (analyzer) when it is delivered to the ultimate purchaser.

(2) The analyzer must not generate any unreasonable hazard to operators or to the environment.

(3) The analyzer must function within the limits of the performance specifications given in Table B-1 of Part 53 for at least 1 year after delivery when maintained and operated in accordance with the operation manual.

(4) Any analyzer offered for sale as a reference or equivalent method must bear a label or sticker indicating that it has been designated as a reference or equivalent method in accordance with Part 53.

(5) If such an analyzer has one or more selectable ranges, the label or sticker must be placed in close proximity to the range selector and indicate which range or ranges have been included in the reference or equivalent method designation.

(6) An applicant who offers analyzers for sale as reference or equivalent methods is required to maintain a list of ultimate purchasers of such analyzers and to notify them within 30 days if a reference or equivalent method designation applicable to the analyzers has been cancelled or if adjustment of the analyzers is necessary under 40 CFR 53.11(b) to avoid a cancellation.

(7) An applicant who modifies an analyzer previously designated as a reference or equivalent method is not permitted to sell the analyzer (as modified) as a reference or equivalent



method (although he may choose to sell it without such representations), nor to attach a label or sticker to the analyzer (as modified) under the provisions described above, until he has received notice under 40 CFR 53.14(c) that the original designation or a new designation applies to the method as modified or until he has applied for and received notice of a new reference or equivalent method determination for the analyzer as modified.

Aside from occasional breakdowns or malfunctions, consistent or repeated non-compliance with any of these conditions should be reported to: Director, Environmental Monitoring and Support Laboratory, Department E (MD-77), U.S. Environmental Protection Agency, Research Triangle Park, NC 27711.

Designation of these reference methods will provide assistance to the states in establishing and operating their air quality surveillance systems under 40 CFR 51.17(a). Additional information concerning this action may be obtained by writing to the address given above.

Dated: February 14, 1979.

STEPHEN J. GAGE,  
Assistant Administrator for  
Research and Development.

[FR Doc. 79-5263 Filed 2-16-79; 8:45 am]

[6712-01-M]

## FEDERAL COMMUNICATIONS COMMISSION

[CC Docket No. 78-218]

AMERICAN BROADCASTING CO., INC. ET AL

Request for Authorized User Status Under  
Communications Satellite Act of 1962

In the matter of Spanish International Network, request for authorized user status under the Communications Satellite Act of 1962.

On January 2, 1979 American Broadcasting Companies, Inc., National Broadcasting Company, Inc. and CBS, Inc. jointly filed a petition for partial reconsideration of the Commission's Report and Order in the above-captioned proceeding, FCC-78-714, released November 16, 1978. These parties request that the Commission reconsider its decision to the extent that the international television transmission service carriers should be required to discontinue the current rotational arrangements immediately rather than 60 days after the Communications Satellite Corporation files a Section 214 application to provide television transmission service to users directly. Comments on this petition shall be submitted on or before March

7, 1979. Replies shall be filed 10 days thereafter.

FEDERAL COMMUNICATIONS  
COMMISSION,  
WILLIAM J. TRICARICO,  
Secretary.

[FR Doc. 79-5240 Filed 2-16-79; 8:45 am]

[6730-01-M]

## FEDERAL MARITIME COMMISSION

[Agreement No. 10285; Docket No. 79-8]

SINGAPORE/U.S. ATLANTIC AND GULF RATE  
AGREEMENT

### Order of Investigation and Hearing

The ten member lines of the Straits/New York Conference<sup>1</sup> and four carriers offering mini-landbridge services<sup>2</sup> (Proponents) sought approval of an agreement to discuss and establish rates in the trade from ports in the Republic of Singapore and West Malaysia to U.S. Atlantic and Gulf ports (Agreement No. 10285). Under the proposed arrangement, the conference carriers (acting as a whole) and the mini-landbridge carriers (acting individually), retain the right to independently establish rates upon five days written notice to the other parties. The mini-landbridge carriers may withdraw entirely from the Agreement upon 30 days written notice.

The United States Department of Justice (DOJ) protested approval of Agreement No. 10285. DOJ contends that the proposed arrangement is contrary to the public interest because it permits the fixing of prices without sufficient offsetting benefits; would effectively extend the Conference's rate making authority to include intermodal transportation; and would have a serious anticompetitive impact upon the trade. The Proponents replied to these contentions.

On February 1, 1978, the Commission issued an Order finding the Agreement to be anticompetitive on its face and inadequately justified within the meaning of the *Svenska* doctrine.<sup>3</sup> It was therefore ordered that the Agreement be disapproved unless Pro-

<sup>1</sup>The member lines of the Straits/New York Conference are: Bangladesh Shipping Corporation; Barber-Blue Sea Line J/S; Djakarta Lloyd, P.T.; Lykes Bros. Steamship Co., Inc.; Mitsui O.S.K. Lines, Ltd.; A.P. Moller-Maersk Lines J/S; Nippon Yusen Kaisha; Sea-Land Service, Inc.; the Shipping Corporation of India, Ltd., and United States Lines, Inc.

<sup>2</sup>The mini-landbridge carriers are: American President Lines, Ltd.; A.P. Moller-Maersk Line J/S; Sea-Land Service, Inc.; and United States Lines, Inc. Three of these carriers are also members of the Straits/New York Conference, a conference which is not authorized to provide intermodal services of any kind (See F.M.C. Agreement No. 6010).

<sup>3</sup>*Federal Maritime Commission v. Aktiebolaget Svenska Amerika Linien*, 390 U.S. 238, 240 (1968).

ponents unequivocally requested a further hearing by March 6, 1978. Such a request was timely filed, but Proponents failed to reply to that portion of the Commission's Order which required them to state the facts which they intended to prove in such a hearing; describe the supporting evidence by which they would prove those facts; and state the points of law to be argued. The Commission repeated this requirement on June 20, 1978.

Proponents' response consists of a memorandum of law and a supporting affidavit, and disclaims any present interest in an evidentiary hearing.<sup>4</sup> This information was duly served upon DOJ and the Commission's Bureau of Hearing Counsel. Among the issues raised by Proponents' memorandum are the validity of the *Svenska* doctrine; the Commission's previous approval of agreements similar to Agreement No. 10285; and the necessity of Agreement No. 10285 to assure the continuance of all-water service in the trade.

Although Proponents have already presented their case in chief, all parties will be provided a final opportunity to file further briefs and affidavits on the questions of whether the Agreement is—in light of the supporting arguments and data provided by Proponents—so anticompetitive as to require disapproval and whether the Agreement otherwise warrants disapproval, or modification pursuant to section 15 of the Shipping Act, 1916. Primary emphasis should be given to whether the purposes of the Shipping Act are best served by encouraging these four mini-landbridge carriers to compete with each other and with the conference carriers or by allowing both groups of carriers to concertedly establish rates within the framework of Agreement No. 10285.

Therefore, *it is ordered*, That pursuant to sections 15 and 22 of the Shipping Act (46 U.S.C. 814 and 821), the proceeding commenced by the Commission's February 1, 1978 Order of Conditional Disapproval is designated an Investigation and Hearing; and

*It is further ordered*, That this proceeding is limited to the submission of affidavits of fact and memoranda of law. If, following the submission of such materials, any party believes an evidentiary hearing is required on any issue, that party must so move no later than March 23, 1979. Any such motion shall be accompanied by a statement setting forth in detail the facts to be proven; their relevance to the issues; a description of the evidence which would be adduced to prove those facts; and why such proof could not be submitted through affidavit; and

<sup>4</sup>Proponents did reserve the right to request an evidentiary hearing if the replies of other parties placed material questions of fact in dispute.

*It is further ordered,* That Agreement No. 10285, all materials previously submitted by Proponents in support thereof, (including their filings of May 20, 1977 and July 20, 1978), all materials previously submitted by the Department of Justice in opposition thereto, and the Commission's February 1, 1978, Order of Conditional Disapproval, be part of the record in this proceeding and made available for public inspection; and

*It is further ordered,* That the Proponents of Agreement No. 10285 submit their memorandum of law and any supporting affidavits no later than March 2, 1979; and

*It is further ordered,* That the United States Department of Justice and the Commission's Bureau of Hearing Counsel submit a memorandum of law in reply and any affidavits in support thereof no later than March 16, 1979; and

*It is further ordered,* That all documents submitted in this proceeding be filed with the Secretary, Federal Maritime Commission, 1100 L Street, N.W., Washington, D.C. 20573, in an original and 15 copies, and otherwise conform to the Commission's Rules of Practice and Procedure. 46 CFR Part 502.

By the Commission.

FRANCIS C. HURNEY,  
Secretary.

#### APPENDIX

##### PROPOSERS

Straits/New York Conference, Henry Noon & Co., Secretaries, P.O. Box 247, Singapore 1.

Elkan Turk, Jr., Esquire, Burlingham Underwood & Lord, 25 Broadway, New York, New York 10004 (Attorney for the Straits/New York Conference and its Member Carriers).

##### MEMBER LINES

Bangladesh Shipping Corporation, Peralta Shipping Corporation, General Agents, 25 Broadway, New York, New York 10004.

Barber-Blue Sea Line J/S, Barber Steamship Lines, Inc., General Agents, 17 Battery Place, New York, New York 10004.

Djakarta Lloyd, P.T., Tilston Roberts Corporation, Agents, 17 Battery Place, New York, New York 10004.

Lykes Bros. Steamship Co., Inc., 17 Battery Place, New York, New York 10004.

Mitsui O.S.K. Lines, Ltd., One World Trade Center, New York, New York 10048.

A.P. Moller-Maersk Line J/S, One World Trade Center, Suite 3527, New York, New York 10048.

Nippon Yusen Kaisha, One World Trade Center, Suite 5031, New York, New York 10048.

Sea-Land Service, Inc., One World Trade Center, Suite 2711, New York, New York 10048.

The Shipping Corporation of India, Ltd., Norton Lilly & Co., Inc., Agents, 90 West Street, New York, New York 10006.

United States Lines, Inc., One Broadway, New York, New York 10004.

#### MINI-LANDBRIDGE CARRIERS

American President Lines, Ltd., 61 Broadway, New York, New York 10005.

A.P. Moller-Maersk Line J/S, One World Trade Center, Suite 3527, New York, New York 10048.

Sea-Land Service, Inc., One World Trade Center, Suite 2711, New York, New York 10048.

United States Lines, Inc., One Broadway, New York, New York 10004.

#### PROTESTANT

United States Department of Justice, Antitrust Division, P.O. Box 14141, Washington, D.C. 20044.

[FR Doc. 79-5270 Filed 2-16-79; 8:45 am]

#### [6750-01-M]

##### FEDERAL TRADE COMMISSION

McGREGOR-DONIGER, INC.

Early Termination of Waiting Period of the  
Premerger Notification Rules

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the 30-day waiting period of the premerger notification rules.

SUMMARY: McGregor-Doniger, Inc. is granted early termination of the 30-day waiting period provided by law and the premerger notification rules with respect to its proposed acquisition by Rapid-American Corporation. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by McGregor-Doniger. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: February 7, 1979.

FOR FURTHER INFORMATION  
CONTACT:

Malcolm R. Pfunder, Assistant Director for Evaluation, Bureau of Competition, Room 394, Federal Trade Commission, Washington, D.C. 20580, (202-523-3404).

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. Section 18a, as added by sections 201 and 202 of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act and § 803.11 of the rules implementing the Act permit the agencies, in individual cases, to terminate this waiting period prior to its ex-

piration and to publish notice of this action in the FEDERAL REGISTER.

By direction of the Commission.

CAROL M. THOMAS,  
Secretary.

[FR Doc. 79-5271 Filed 2-16-79; 8:45 am]

#### [1610-01-M]

##### GENERAL ACCOUNTING OFFICE

##### REGULATORY REPORTS REVIEW

##### Receipt of Report Proposal

The following request for clearance of a report intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on February 13, 1979. See 44 U.S.C. 3512(c) and (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipt.

The notice includes the title of the request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed CAB request are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of the time GAO has to review the proposed request, comments (in triplicate) must be received on or before March 12, 1979, and should be addressed to Mr. John M. Lovelady, Assistant Director, Regulatory Reports Review, United States General Accounting Office, Room 5106, 441 G Street, NW, Washington, DC 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-275-3532.

##### CIVIL AERONAUTICS BOARD

The CAB requests an extension without change clearance of Form 217, Report of Civil Aircraft Charters Performed by Foreign Air Carrier. This report is mandatory under the Federal Aviation Act of 1958, as amended, for certain foreign air carriers as prescribed in Part 217 of the Board's Economic Regulations. The form is required to be filed quarterly by foreign air carriers which are authorized to perform civil aircraft charters to or from the United States. The CAB estimates respondents to number 147 and reporting burden to average 8 hours quarterly.

NORMAN F. HEYL,  
Regulatory Reports  
Review Officer.

[FR Doc. 79-5215 Filed 2-16-79; 8:45 am]

[4110-02-M]

**DEPARTMENT OF HEALTH,  
EDUCATION, AND WELFARE**

Office of Education

**NATIONAL ADVISORY COUNCIL ON  
VOCATIONAL EDUCATION**

## Meeting

AGENCY: National Advisory Council on Vocational Education.

ACTION: Amended Notice of Public Meeting.

SUMMARY: This notice amends the notice published on Wednesday, February 14, 1979, on page 9,631 to change the time of adjournment of the National Council from 12 Meridian to 11:00 a.m. on March 9, 1979, and to include a meeting of the Joint Task Force on Sex Equity in Vocational Education on March 9, 1979 from 11:00 a.m. to 3:30 p.m. The initial notice, in which the functions of the Council are described, set forth the schedule and proposed agenda of the forthcoming meeting of the National Advisory Council on Vocational Education. Notice of these meetings is required under the Federal Advisory Committee Act, (5 U.S. Code, Appendix I Section 10(a)(2)). This document is intended to notify the general public of its opportunity to attend.

DATES: March 8 and 9, 1979.

ADDRESS: Hotel Washington, Pennsylvania Avenue at 15th Street N.W., Washington, D.C., the Capital Room.

Signed at Washington, D.C., February 14, 1979.

GEORGE WALLRODT,  
Acting Executive Director.

[FR Doc. 79-5241 Filed 2-16-79; 8:45 am]

[4110-39-M]

National Institute of Education

**NATIONAL ASSESSMENT OF EDUCATIONAL  
PROGRESS**

## Competition for Award

The Director of the National Institute of Education is preparing to announce a competition for an award to conduct a National Assessment of Educational Progress (NAEP) which will assess the performance of children and young adults in the basic skills of reading, mathematics, and communication, according to the authority contained in section 1242 of the Education Amendments of 1978. (See Appendix A)

In an effort to foster the maximum competition for this award, this notice is published to provide interested persons and organizations with an opportunity to be placed on the mailing list

to receive a copy of the announcement and the award requirements as soon as they are published.

Please send your written request to: Mr. Joel Anthony, Contracts and Grants Management Division STOP 3, National Institute of Education, Washington, D.C. 20208.

To minimize the burden on NIE staff, please do not make your requests by telephone.

Dated: February 14, 1979.

JEFFRY SCHILLER,  
Assistant Director, Testing, Assessment, and Evaluation, National Institute of Education.

**APPENDIX A—NATIONAL ASSESSMENT OF  
EDUCATIONAL PROGRESS**

"(k)(1) In addition to other responsibilities of the Institute under this section, the Institute shall carry out, by grant to or cooperative agreement (subject to the provisions of the Federal Grant and Cooperative Agreement Act of 1977) with a nonprofit education organization, a National Assessment of Educational Progress which shall have as a primary purpose the assessment of the performance of children and young adults in the basic skills of reading, mathematics, and communication. Such a National Assessment shall—

"(A) Collect and report at least once every five years data assessing the performance of students at various age or grade levels in each of the areas of reading, writing, and mathematics;

"(B) Report periodically data on changes in knowledge and skills of such students over a period of time;

"(C) Conduct special assessments of other educational areas, as the need for additional national information arises; and

"(D) Provide technical assistance to State educational agencies and to local educational agencies on the use of National Assessment objectives, primarily pertaining to the basic skills of reading, mathematics, and communication, and on making comparisons of such assessments with the national profile and change data developed by the National Assessment.

"(2)(A) The education organization through which the Institute carries out the National Assessment shall be responsible for overall management of the National Assessment. Such organization shall delegate authority to design and supervise the conduct of the National Assessment to an Assessment Policy Committee established by such organization. The Assessment Policy Committee shall be composed of—

"(i) Five members appointed by the education organization of whom two members shall be representatives of business and industry and three members shall be representatives of the general public, and

"(ii) Twelve members appointed by the education organization from the categories of membership specified in subparagraph (B).

"(B) Members of the Assessment Policy Committee appointed in accordance with division (ii) of subparagraph (A) shall be—

"(i) One chief State school officer;

"(ii) Two State legislators;

"(iii) Two school district superintendents;

"(iv) One chairman of a State board of education;

"(v) One chairman of a local school board;

"(vi) One Governor of a State; and

"(vii) Four classroom teachers.

"(C) The Director of the Institute shall serve as an ex officio member of the Assessment Policy Committee. The Director shall also appoint a member of the National Council on Education Research to serve as a nonvoting member of the Assessment Policy Committee.

"(D) Members appointed in accordance with divisions (i) and (ii) of subparagraph (A) shall be appointed for terms of three years, except that (i) in the case of members appointed for fiscal year 1979, one third of the membership shall be appointed for terms of one year each and one third shall be appointed for terms of two years each, and (ii) appointments to fill vacancies shall be for such terms as remain unexpired. No member shall be appointed to serve more than two consecutive terms.

"(3) The Assessment Policy Committee established by paragraph (2) shall be responsible for the design of the National Assessment, including the selection of the learning areas to be assessed, the development and selection of goal statements and assessment items, the assessment methodology, the form and content of the reporting and dissemination of assessment results, and studies to evaluate and improve the form and utilization of the National Assessment.

"(4) Each learning area assessment shall have goal statements devised through a national consensus approach, providing for active participation of teachers, curriculum specialists, subject matter specialists, local school administrators, parents, and concerned members of the general public. All items selected for use in the assessment shall be reviewed to exclude items which might reflect racial, sex, cultural, or regional bias.

"(5) Participation in the National Assessment by State and local educational agencies selected as part of a sample of such agencies shall be voluntary.

"(6) The Director of the Institute shall provide for a review of the National Assessment at least once every three years. This review shall provide an opportunity for public comment on the conduct and usefulness of National Assessment and shall result in a report to the Congress and to the Nation on the findings and recommendations, if any, stemming from the review.

"(7) There are authorized to be appropriated \$10,500,000 for each fiscal year ending prior to October 1, 1983, to carry out the provisions of this subsection."

[FR Doc. 79-5245 Filed 2-16-79; 8:45 am]

[1505-01-M]

Office of the Secretary

**PRIVACY ACT OF 1974**

Systems of Records; Annual Publication

**Corrections**

In FR Doc. 78-27123 appearing at page 44102 in the issue for Wednesday, September 27, 1978, make the following changes:

1. Pages 44103 and 44104 should be reversed to reflect the correct order of the systems of records.

2. On current page 44103, the first column, the systems beginning with identification number 09-70-1503 through 09-70-1510 should be moved to immediately follow the system in the second column identified by the number 09-70-0521.

3. On current page 44104, the first entry in the first column should read: "09-80-0010—Mailing List for ANA publications. HDS ANA".

4. On pages 44188 (second column) and 44189 (first column), the system of records identified as "09-42-0001 NIE Project Management System—HEW E" should be removed.

5. On page 44203, the first column, the following identification number should appear centered under the first line: 09-70-0012.

6. On page 44204, the first column, the identification number currently reading "1 09-70-0015" should read "09-70-0015".

7. On page 44208, second column, the following identification number should appear centered above the system name "Intermediary Medicare Claims Record, HEW, HCFA, MAB.": 09-70-0503.

8. On page 44232, the first line in the first column reading "Categories of individuals covered by the system:" should be removed.

9. On page 44322, second column, the following identification number should appear centered above the system name "Cooperative Mycoses Study-HEW/CDC/OCD.": 09-20-0000.

10. On page 44392, the second column, under "Systems exempt from certain provisions of the act:", the second line should read: "provisions of 5 U.S.C. 552a, Sec. (k)(6), which provides for exempting".

#### [4310-55-M]

##### DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

##### ENDANGERED SPECIES PERMIT

###### Receipt of Application

Applicant: New York Zoological Society, 185th Street & Southern Boulevard., Bronx, New York 10460.

The applicant requests a permit to import two (2) male and two (2) female Jamaican boas (*Epicrates subflavus*) from the Reptile Breeding Foundation, Ontario, Canada, for enhancement of propagation and exhibition.

Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application are

available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish and Wildlife Service (WFO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-3777. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before March 22, 1979. Please refer to the file number when submitting comments.

Dated: February 9, 1979.

DONALD G. DONAHOO,  
Chief, Permit Branch, Federal  
Wildlife Permit Office, U.S.  
Fish and Wildlife Service.

[FR Doc. 79-5250 Filed 2-16-79; 8:45 am]

#### [4310-55-M]

##### ENDANGERED SPECIES PERMIT

###### Receipt of Application

Applicant: George T. Prince, Route 518, RD No. 1, Lambertville, New Jersey 08530.

The applicant requests a permit to purchase in interstate commerce one (1) female white-eared pheasant (*Crossoptilon crossoptilon*) from Charles Silville, Dix Hills, New York, for enhancement of propagation.

Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish and Wildlife Service (WFO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-3752. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before March 22, 1979. Please refer to the file number when submitting comments.

Dated: February 9, 1979.

DONALD G. DONAHOO,  
Chief, Permit Branch, Federal  
Wildlife Permit Office, U.S.  
Fish and Wildlife Service.

[FR Doc. 79-5251 Filed 2-16-79; 8:45 am]

#### [4310-55-M]

##### ENDANGERED SPECIES PERMIT

###### Receipt of Application

Applicant: San Diego Zoological Garden, P.O. Box 551, San Diego, California 92112.

The applicant requests a permit to import one male lowland gorilla (*Gorilla gorilla*) as a gift from the Hospital Dr. Albert Schweitzer, Lambarene, Gabon, for enhancement of propagation and exhibition.

Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish and Wildlife Service (WFO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-3688. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before March 22, 1979. Please refer to the file number when submitting comments.

Dated: February 9, 1979.

DONALD G. DONAHOO,  
Chief, Permit Branch, Federal  
Wildlife Permit Office, U.S.  
Fish and Wildlife Service.

[FR Doc. 79-5252 Filed 2-16-79; 8:45 am]

#### [4310-55-M]

##### ENDANGERED SPECIES PERMIT

###### Receipt of Application

Applicant: Section of Wildlife Ecology on Public Lands, U.S. Fish and Wildlife Service, Denver Wildlife Research Center, Federal Center, Bldg. 16, Denver, Colorado 80225.

The applicant requests a permit to capture bald eagles (*Haliaeetus leucocephalus*) and peregrine falcons (*Falco peregrinus anatum*) in Wyoming for banding and release for scientific research.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish and Wildlife Service (WFO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-3818. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before March 22, 1979. Please refer to the file number when submitting comments.

Dated: February 9, 1979.

DONALD G. DONAHOO,  
Chief, Permit Branch, Federal  
Wildlife Permit Office, U.S.  
Fish and Wildlife Service.

[FR Doc. 79-5253 Filed 2-16-79; 8:45 am]

## [4310-55-M]

ENDANGERED AND THREATENED SPECIES  
PERMIT

## Receipt of Application

Applicant: University of North Carolina, Institute of Marine Sciences, Morehead City, North Carolina 28557.

The applicant requests a permit to take leatherback turtles (*Dermochelys coriacea*), Atlantic ridley (*Lepidochelys kempi*), green (*Chelonia mydas*), and loggerhead (*Caretta caretta*) sea turtles for the purpose of scientific research, and, for the green and loggerhead sea turtles, educational purposes and zoological exhibition.

Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish and Wildlife Service (WFO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-3208. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before March 22, 1979. Please refer to the file number when submitting comments.

Dated: February 8, 1979.

DONALD G. DONAHOO,  
Chief, Permit Branch, Federal  
Wildlife Permit Office, U.S.  
Fish and Wildlife Service.

[FR Doc. 79-5254 Filed 2-16-79; 8:45 am]

## [4310-55-M]

## THREATENED SPECIES PERMIT

## Receipt of Application

The applicants listed below wish to apply for Captive Self-Sustaining Population permits authorizing the purchase and sale in interstate commerce, for the purpose of propagation, those species of pheasants listed in 50 CFR Section 17.11 as T(C/P). Humane shipment and care in transit is assured.

These applications and supporting documents are available to the public during normal business hours in Room 601, 1000-N. Glebe Road, Arlington, Virginia, or by writing to the Director, USFWS, WFO, Washington, D.C. 20240. Interested persons may comment on these applications within 30 days of the date of this publication by submitting written data, views, or arguments to the Director at the above address.

Applicant: Don L. Ford, Route No. 4, Box 402, Buffalo, Missouri (PRT 2-2348) Species: all pheasants.

Applicant: Douglas L. Hopp, Route No. 1, Box 190, Sparta, Wisconsin (PRT 2-3700) Species: all pheasants.

Applicant: Horst W. Schmudde, 209 Highway 34 North, Colts Neck, New Jersey (PRT 2-3813) Species: all pheasants.

Please refer to the individual applications and the appropriately assigned PRT, 2- file number when submitting comments.

Dated: February 9, 1979.

DONALD G. DONAHOO,  
Chief, Permit Branch,  
Federal Wildlife Permit Office.

[FR Doc. 79-5249 Filed 2-16-79; 8:45 am]

## [4310-03-M]

## Heritage Conservation and Recreation Service

## NATIONAL REGISTER OF HISTORIC PLACES

## Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the Heritage Conservation and Recreation Service before February 9, 1979. Pursuant to section 60.13(a) of 36 CFR Part 60, published in final form on January 9, 1976, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the Keeper of the National Register, Office of Archeology and Historic Preservation, U.S. Department of the Interior, Washington, D.C. 20240. Written comments or a request for additional time to prepare comments should be submitted by March 2, 1979.

WILLIAM J. MURTAGH,  
Keeper of the National Register.

## ALABAMA

## Montgomery County

Montgomery, Gay House, 230 Noble Ave.  
Montgomery, Tulane Building, 800 High St.

## CALIFORNIA

## Mariposa County

Yosemite National Park, Jorgenson Chris,  
Studio.

## DELAWARE

## New Castle County

Wilmington, Harlan and Hollingsworth  
Office Building, West St.  
Wilmington, Schoonover, Frank E., Studios,  
1616 Rodney St.  
Wilmington, State of Pennsylvania (steam-  
boat) Christina River  
Wilmington, Woodward Houses, 701-703  
West St.

## FLORIDA

## Alachua County

Gainesville, U.S. Post Office, 23 SE 2nd Pl.

## ILLINOIS

## Adams County

Quincy, State Savings Loan and Trust  
Company, 428 Maine St.  
Quincy, Warfield, William S., House, 1624  
Maine St.

## Cook County

Kenilworth, Kenilworth Club, 410 Kenil-  
worth Ave.  
Kenilworth, Maher, George W., House, 424  
Warwick Rd.

## DeWitt County

Clinton, Moore, C. H., House, 219 E. Wood-  
lawn St.

## DuPage County

Wheaton, Blanchard Hall, Wheaton College  
campus.  
Winfield, Besch House, 0 S 070 Church St.

## Jackson County

Grand Tower, Grand Tower Mining, Manu-  
facturing and Transportation Company  
Site, Devil's Backbone Park

## Kane County

St. Charles, City Building, 15 N. 1st Ave.

## McLean County

Bloomington, Miller-Davis Law Buildings,  
101-103 N. Main St. and 102-104 E. Front  
St.

## INDIANA

## Randolph County

Winchester, Stone, Gen. Asahel, Mansion,  
201 W. Orange St.

## IOWA

## Clayton County

Guttenberg, Albertus Building, 222 Park  
River Dr.

## KENTUCKY

## Fleming County

Flemingsburg, Fleming, Thomas W., House  
(Dudley House) 114 W. Water St.

## LOUISIANA

## Ascension Parish

Donaldsonville, Ascension Parish Court-  
house, Jail, and Louisiana Square, Chetl-  
maches, Nicholls and Opelousas Sts. and  
Railroad Ave.  
Gelsmar vicinity, Ashland, 2 ml. (3.2. km) S  
of Gelsmar on LA 75

## East Feliciana Parish

Jackson, Centenary College, College St.  
Norwood vicinity, Richland Plantation, SW  
of Norwood on LA 442

## Lafourche Parish

Thibodaux, Lafourche Parish Courthouse,  
200 Green St.

**Natchitoches Parish**

Derry vicinity, *Magnolia Plantation*, N of Derry on LA 119  
 Natchez vicinity, *Oaklawn Plantation*, E of Natchez on LA 494  
 Natchez vicinity, *Prud' Homme, Jean Pierre Emmanuel, Plantation*, SE of Natchez on LA 19

**Orleans Parish**

New Orleans, *St. Peter A.M.E. Church*, 1201 Cadiz St.

**St. Tammany Parish**

Covington vicinity, *Sunnybrook*, N of Covington on LA 21

**Tensas Parish**

St. Joseph, *Tensas Parish Courthouse*, Courthouse Sq.

**West Feliciana Parish**

St. Francisville, *Grace Episcopal Church*, 510 Ferdinand St.

**Winn County**

St. Maurice, *St. Maurice Plantation*, off LA 47

**MARYLAND****Allegany County**

Cumberland, *African Methodist Episcopal Church*, Decatur and Frederick Sts.

**Frederick County**

New London vicinity, *Maynard, Thomas, House*, 1.5 mi. NW of New London on Gas House Pike

**Prince George's County**

Landover vicinity, *Beall's Pleasure*, SE of Landover at 7250 Old Lanover Rd.

**MISSISSIPPI**

*Swinging Suspension Bridges Thematic Resources*. This includes 4 swinging suspension bridges in Hines, Jefferson and Rankin Counties.

**NEBRASKA****Dawson County**

Cozad, *Hendee Hotel*, 220 E. 8th St.

**NEW MEXICO****San Miguel County**

Las Vegas, *Lincoln Park Historic District*, roughly bounded by Lincoln, Jackson, 7th and 8th Sts.

**Socorro County**

Magdalena vicinity, *Clemens Ranchhouse*, S of Magdalena

**NEW YORK****New York County**

New York, *Dunbar Apartments*, bounded by 7th and 8th Aves. and W. 149th and 150th Sts.

**Ontario County**

Clifton Springs, *Clifton Springs Sanitarium and Foster Cottage*, 11 E. Main St. (Sanitarium) 9 E. Main St. (Foster Cottage)

**NORTH CAROLINA****Mecklenburg County**

Davidson vicinity, *Beaver Dam Plantation House*, SE of Davidson on NC 73

**Perquimans County**

Bethel vicinity, *White, Isaac, House*, NE of Bethel on SR 1339

**Vance County**

Middleburg vicinity, *Hawkins House*, W of Middleburg on SR 1371

**Wake County**

Raleigh, *Rogers-Bagley-Dantels-Pegues House*, 125 E. South St.

**Wayne County**

Goldsboro, *Giddens, L. D., and Son Jewelry Store*, 135 S. Center St.

**OREGON****Benton County**

Corvallis, *Benton County State Bank Building*, 155 SW. Madison Ave.

**Clackamas County**

Canby vicinity, *Anthony, Herman, Farm*, NE of Canby at 10205 S. New Era Rd.  
 Lake Oswego, *Lake Oswego Odd Fellows Hall*, Durham and Church Sts.

**Clatsop County**

Astoria, *Young, Benjamin, House and Carriage House*, 3652 Duane St.

**Columbia County**

Clatskanie, *Flippin, Thomas J., House*, 620 Tichenor St.

**Hood River County**

Hood River vicinity, *Oak Grove Schoolhouse*, SW of Hood River at 2121 Reed Rd.

**Jackson County**

Ashland, *Carter, E. V., House*, 505 Siskiyou Blvd.

**Lane County**

Eugene, *Oregon Electric Railway Passenger Station*, 27 E. 5th St.

**Marion County**

Jefferson vicinity, *Campbell Hamilton, House*, N of Jefferson

**Multnomah County**

Portland, *U.S. Courthouse*, 620 SW. Main St.  
 Portland, *U.S. Post Office*, 511 NW. Broadway

**Yamhill County**

Yamhill, *Laughlin, Lee, House*, 100 Laurel St.

**TENNESSEE****Chester County**

Henderson, *Chester County Courthouse*, Court Sq.

**Franklin County**

Winchester, *Estill-Fite House*, 114 Sharp Springs Rd.

**Hamilton County**

Chattanooga, *Fountain Square*, 600-622 Georgia Ave and 317 Oak St.  
 Chattanooga, *Mikado Locomotive No. 4501*, 2202 N. Chamberlain Ave.

**Shelby County**

Memphis, *Darnell, Rowland J., House (Nineteenth Century Club)*, 1433 Union Ave.  
 Memphis, *Lowenstein House*, 756 Jefferson Ave.  
 Memphis, *Steele hall*, LeMoyné-Owen College campus

**TEXAS****Jefferson County**

Beaumont, *Beaumont Y.M.C.A.*, 934 Calder St.

**Travis County**

Austin, *Smith-Clark and Smith-Bickler Houses*, 502 and 504 W. 14th St.

**VIRGINIA****Montgomery County**

Christiansburg, *Old Christiansburg Industrial Institute*, 570 High St.

**Rockbridge County**

Brownsville vicinity, *Jennedy-Wade Mill*, 2.3 mi. NE of Brownsville on VA 606

**WASHINGTON****Pend Oreille County**

Metalline Falls, *Larson, Lewis P., House*, 5th and Pend Oreille Blvd.

**Spokane County**

Cheney, *Cheney Interurban Depot*, 505 2nd St.

**Whatcom County**

Bellingham, *Elridge Avenue Historic District*, roughly bounded by Great Northern RR tracks, Squallcum Ravine, North and Elm Sts., and Broadway

[FR Doc. 79-5009 Filed 2-16-79; 8:45 am]

[7020-02-M]

# INTERNATIONAL TRADE COMMISSION

[332-73]

## DRAFT CHAPTER OF THE HARMONIZED COMMODITY DESCRIPTION AND CODING SYSTEM

Release for Public Comment of U.S. Administration Draft Comments

AGENCY: U.S. International Trade Commission.

ACTION: Release for public comment, pursuant to Commission investigation No. 332-73, under the authority of section 332(g) of the Tariff Act of 1930, as amended, of draft U.S. comments on, the following chapter of the Harmonized Commodity Description and Coding System: Chapter 38: Miscellaneous chemical products.



**WRITTEN SUBMISSIONS:** Parties wishing to submit written comments should do so by March 7, 1979.

**HEARING:** Parties desiring the Commission to hold a hearing on this draft chapter of the Harmonized Code should contact the Secretary of the Commission by February 21, 1979, and show good cause for holding a hearing.

**COPIES OF DOCUMENTS:** Copies of the draft chapter and draft U.S. comments thereon which are the subject of this notice are available for public inspection at the offices of the Commission, 701 E Street NW., Washington, D.C. 20436, or at 6 World Trade Center, New York, N.Y. 10048. The Commission will also send copies to interested parties upon request.

**FOR FURTHER INFORMATION CONTACT:**

Eugene A. Rosengarden, Director, Office of Nomenclature, Valuation, and Related Activities, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone: 202-523-0370.

**SUPPLEMENTARY INFORMATION:** The purpose of this notice is to obtain the comments and views of interested parties with respect to the above mentioned draft chapter of the Harmonized Commodity Description and Coding System, and of the draft U.S. comments thereon.

This notice is being issued pursuant to Commission investigation No. 332-73, instituted on January 31, 1975 (40 FR 6329), under section 332(g) of the Tariff Act of 1930. The investigation was initiated in accordance with section 608(c) of the Trade Act of 1974, which provides, in part, that the Commission shall institute an investigation which would provide the basis for—

(2) Full and immediate participation by the United States International Trade Commission in the United States contribution to technical work of the Harmonized Systems [sic] Committee under the Customs Cooperation Council to assure the recognition of the needs of the United States business community in the development of a Harmonized Code reflecting sound principles of commodity identification and specification and modern producing methods and trading practices

\*\*\*  
The Harmonized Commodity Description and Coding System (Harmonized Code) is being developed by the Customs Cooperation Council (CCC), an 80-member international organization with headquarters in Brussels, as an international commodity classification system which will be adaptable for modernized customs tariff nomenclature purposes and for recording, handling, and reporting of transaction in international trade. The Harmonized Code will be based on, and in

many respects will be an extension of, the Customs Cooperation Council Nomenclature (CCCN), formerly known as the Brussels Tariff Nomenclature (BTN).

Currently, the Technical Team working under the auspices of the CCC prepares drafts of the various chapters of the Harmonized Code for consideration by the Harmonized System Committee, which was established in order to develop the code. These drafts are forwarded to the members and observers of the Committee for their review and submission of written comments. The Committee meets three times a year to consider these drafts and the written comments and presentations of the various delegations. The review of a particular chapter or group of chapters may extend to more than one meeting.

In 1971, the Department of the Treasury established an Interagency Advisory Committee on Customs Cooperation Council Matters in order to provide a basis for interested Federal agencies to participate with respect to CCC matters. In order to establish and develop U.S. programs and policies with respect to the Harmonized Code, the interagency committee has instituted procedures which take into account the provisions of section 608(c) of the Trade Act of 1974, which call for the Commission to contribute to the U.S. technical input to the Harmonized System Committee. Under these procedures the Commission is preparing technical comments and proposals on the various chapters of the Harmonized Code for consideration by the interagency committee in the determination of U.S. positions with respect to the Harmonized Code. In making proposals, the Commission is seeking and taking into consideration the views of trade and industry and other interested parties and of interested Government agencies.

The draft U.S. comments on the chapter of the Harmonized Code released for public comment today relates specifically to the Technical Team draft of this chapter and should be read in conjunction therewith.

In its public notices of May 4, 1976 (41 FR 18716 of May 6, 1976), August 9, 1976 (41 FR 34370 of August 13, 1976), December 20, 1976 (41 FR 55948 of December 23, 1976), September 1, 1977 (42 FR 44852 of September 7, 1977), February 7, 1978 (43 FR 5902 of February 10, 1978), and October 16, 1978 (43 FR 48723 of October 19, 1978), the Commission identified those chapters which have been considered thus far by the Harmonized System Committee, and the chapters for which a Technical Team draft has been released.

Copies of these chapters are also available for inspection as specified

above; the Commission will send copies of these chapters to interested parties upon request.

Issued: February 14, 1979.

By order of the Commission.

KENNETH R. MASON,  
Secretary.

[FR Doc. 79-5283 Filed 2-16-79; 8:45 am]

**[7020-02-M]**

[Investigation No. 337-TA-43]

**CERTAIN CENTRIFUGAL TRASH PUMPS**

**Notice and Order of Termination of Investigation**

Upon consideration of the presiding officer's recommended determination and the record in this proceeding, the Commission orders the termination of investigation No. 337-TA-43, *Certain Centrifugal Trash Pumps*, on the basis of a unanimous Commission determination that no violation of § 337 of the Tariff Act of 1930, as amended, exists.

This Commission order is effective February 20, 1979. Any party wishing to petition for reconsideration must do so within fourteen (14) days of service of the Commission determination. Such petitions must be in accord with § 210.56 of the Commission rules (19 CFR 210.56). Any person adversely affected by a final Commission determination may appeal such determination to the United States Court of Customs and Patent Appeals.

Copies of the Commission's Determination and Order, and Commissioners' opinions (USITC Publication No. 943, February 1979) as available to the public during official working hours at the Office of the Secretary, United States International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone (202) 523-0161. Notice of the institution of the Commission's investigation was published in the FEDERAL REGISTER of February 14, 1978 (43 FR 6342).

By order of the Commission.

Issued: February 14, 1979.

KENNETH R. MASON,  
Secretary.

[FR Doc. 79-5286 Filed 2-16-79; 8:45 am]

**[7020-02-M]**

[Investigation No. 337-TA-44]

**CERTAIN ROLLER UNITS**

**Commission Determination and Action**

Upon consideration of the presiding officer's recommended determination and the record in this proceeding, the



Commission orders the termination of investigation No. 337-TA-44. Certain Roller Units, on the basis of a unanimous Commission determination that a violation of section 337 of the Tariff Act of 1930, as amended, exists. The Commission orders that roller units made in accordance with claim 1 of U.S. Letters Patent 4,024,600, and luggage bearing such roller units, be excluded from entry into the United States for the term of said patent, except under license of the patent owner.

The Commission further determined that the articles ordered to be excluded from entry are entitled to entry into the United States under bond in the amount of (1) 176 percent of the value of the roller units concerned if unattached to luggage (including roller units imported in sets) f.o.b. foreign port, and (2) 85 cents per piece of imported luggage bearing such roller units, with said bond to be in effect from the day after the day this order is received by the President pursuant to section 337(g) of the Tariff Act of 1930, as amended, until such time as the President notifies the Commission that he either approves or disapproves this action, but, in any event, not later than sixty (60) days after such day of receipt.

This Commission order is effective February 20, 1979. Any party wishing to petition for reconsideration must do so within fourteen (14) days of service of the Commission determination. Such petitions must be in accord with § 210.56 of the Commission rules (19 CFR 210.56). Any person adversely affected by a final Commission determination may appeal such determination to the United States Court of Customs and Patent Appeals.

Copies of the Commission's Determination, Order, and Memorandum Opinion (USITC Publication No. 944, February 1979) are available to the public during official working hours at the Office of the Secretary, United States International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone (202) 523-0161. Notice of the institution of the Commission's investigation was published in the FEDERAL REGISTER of February 14, 1978 (43 FR 6343).

By order of the Commission.

Issued: February 14, 1979.

KENNETH R. MASON,  
Secretary.

[FR Doc. 79-5285 Filed 2-16-79; 8:45 am]

## [7020-02-M]

[AA1921-190 and 191]

### DETERMINATIONS OF INJURY OR LIKELIHOOD OF INJURY

On November 13, 1978, the United States International Trade Commission received advice from the Department of the Treasury (43 FR 53530, November 16, 1978) that rayon staple fiber from France and from Finland is being, or is likely to be, sold in the United States at less than fair value (LTFV) within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)). Accordingly, on November 28, 1978, the Commission instituted investigations Nos. AA1921-190 and AA1921-191 under section 201(a) of the act to determine whether an industry in the United States is being, or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States. Notice of the institution of the investigation and of the public hearing to be held in connection therewith was published in the FEDERAL REGISTER of December 4, 1978 (43 FR 56735). On January 4 and 5, 1979, a hearing was held in Washington, D.C., at which time all interested persons were provided the opportunity to appear by counsel or in person.

On the basis of its investigation the Commission determines (Vice Chairman Alberger dissenting) that an industry in the United States is being injured<sup>1</sup> by reason of the importation of rayon staple fiber<sup>2</sup> from France, which is being, or is likely to be, sold at LTFV within the meaning of the Antidumping Act, 1921, as amended.

On the basis of its investigation the Commission determines (Vice Chairman Alberger and Commissioner Stern dissenting) that an industry in the United States is being injured<sup>1</sup> by reason of the importation of rayon staple fiber<sup>2</sup> from Finland, which is being, or is likely to be, sold at LTFV within the meaning of the Antidumping Act, 1921, as amended.

In arriving at its determinations, the Commission gave due consideration to all written submissions from interested parties and information adduced at the hearing as well as information provided by the Department of the Treasury and data obtained by the Commission's staff from questionnaires, personal interviews, and other sources.

<sup>1</sup> Commissioner Moore determined that an industry in the United States is being or is likely to be injured by reason of the importation of rayon staple fiber from France and from Finland, which is being, or is likely to be, sold at LTFV within the meaning of the Antidumping Act, 1921, as amended.

<sup>2</sup> Commissioner Stern's determination was limited to the importation of "commodity type" rayon staple fiber.

### STATEMENT OF REASONS OF CHAIRMAN JOSEPH O. PARKER AND COMMISSIONERS GEORGE M. MOORE AND CATHERINE BEDELL

On November 13, 1978, the United States International Trade Commission received advice from the Department of the Treasury that rayon staple fiber from France and Finland is being, or is likely to be, sold in the United States at less than fair value (LTFV) within the meaning of the Antidumping Act, 1921, as amended. Accordingly, on November 28, 1978, the Commission instituted investigations Nos. AA1921-190 and AA1921-191 under section 201(a) of said act to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established,<sup>1</sup> by reason of the importation of such merchandise into the United States.

#### DETERMINATION

On the basis of the information obtained in the investigations, we determine that an industry in the United States is being injured or is likely to be injured by reason of the importation of rayon staple fiber from France and Finland, which Treasury has determined is being, or is likely to be, sold at LTFV.

#### THE IMPORTED ARTICLE AND THE DOMESTIC INDUSTRY

Rayon staple fiber is a manmade textile fiber which resembles raw or unprocessed cotton. It is spun into yarn and then either woven or otherwise processed into a variety of end products. In this determination, we consider the relevant domestic industry to consist of the facilities in the United States devoted to the production of rayon staple fiber; three U.S. firms currently produce it.

#### LTFV SALES

The present investigations of LTFV sales of rayon staple fiber are two of six such investigations instituted by the Department of the Treasury in the last two years. On January 23, 1978, Treasury discontinued an investigation of LTFV imports from Austria on the basis of the provision of assurances of no future LTFV sales and "the presence of special circumstances."<sup>1</sup> On September 7, 1978, the Commission determined that an industry in the United States is being or is likely to be injured by reason of the importation of rayon staple fiber from Belgium which Treasury had determined is being or is likely to be sold at LTFV. On November 16, 1978, Treas-

<sup>1</sup>Prevention of the establishment of an industry is not an issue in these investigations and will not be discussed further.

<sup>2</sup>43 FR 3234, Jan. 23, 1978.

ury announced a tentative determination that the same product from Sweden and Italy is being sold at LTFV and ordered the withholding of appraisement.

On November 13, 1978, the Commission received advice that rayon staple fiber from France and Finland is being, or is likely to be, sold at LTFV. Price comparisons were made by Treasury with respect to imports from both countries for the period November 1, 1977, through April 30, 1978. The comparisons revealed that 100 percent of the rayon staple fiber exported to the United States from France and Finland during this period was sold at LTFV with margins (revised by Treasury on January 4, 1979) of 24 percent and 8.7 percent, respectively.

#### INJURY BY REASON BY LTFV SALES

From the early 1960's through 1968, apparent domestic consumption of rayon staple fiber increased strongly. In the late 1960's other manmade fibers began to displace rayon staple in a number of applications. Apparent domestic consumption declined from 890 million pounds in 1968 to 711 million pounds in 1973 and then to 391 million pounds in 1975. It then increased to 475 million pounds in 1976 and remained at about the same level in 1977. With the decline in apparent consumption, domestic producers reduced capacity by about 20 percent during 1973-77. In spite of this reduction of capacity, capacity utilization in 1976, 1977, and January-October 1978 was below the level reached in 1973.

Although domestic producers' shipments increased after the low reached in 1975, the profit-and-loss experience of the domestic industry on rayon staple fiber operations has not been favorable. The ratio of net operating profit to net sales was less than 3 percent in 1976, and net operating losses occurred in both 1977 and January-September 1978.

Information obtained in the investigations indicates that LTFV imports from France and Finland were a cause of injury to the domestic industry. U.S. producers claimed lost sales involving seven textile mills. The Commission verified that four of these mills had purchased significant quantities of French and Finnish rayon staple fiber during 1977 and 1978 and that price has been an important factor influencing these purchases. One mill indicated that it began purchasing the French fiber as a replacement for Belgian fiber when that product was withdrawn from the U.S. market after Treasury began withholding appraisement on imports from Belgium on January 23, 1978. The only foreign produced fiber purchased by the remaining three companies was

material entered from countries found to have been selling at LTFV. It is apparent that the significant dumping margins applicable to the LTFV imports were an important factor in enabling the foreign producers to make these sales.

Pricing policies of the French and Finnish producers not only led to lost sales in the domestic industry but also contributed to the suppression of U.S. producers' prices. In March 1977, the largest U.S. producer of rayon staple fiber announced that it would be increasing its list price from \$0.58 per pound to \$0.61 per pound effective May 1977. A second U.S. producer announced a similar increase in list price. By mid-1977, the average domestic transaction price of a representative type of rayon staple fiber registered about \$0.574, reflecting a \$0.02 per pound increase since October-December 1976. In 1977, imports of rayon staple fiber from Belgium, France, and Finland, countries Treasury found to be selling rayon staple at LTFV, increased to 12.4 million pounds, or more than 10 times the quantity imported from those countries in 1976. The cumulative impact of this surge in LTFV imports, which were sold at prices approximately 3 cents per pound less than the average net selling price of U.S. producers, influenced U.S. producers' prices. By October-December 1977 the U.S. producers' list prices were reduced to \$0.58 per pound. The average domestic transaction price fell from \$0.574 per pound in April-June 1977 to \$0.557 per pound in April-June 1978.

The issue of likelihood of injury to the domestic industry primarily involves the ability and willingness of Rhone Poulenc, the French producer, and Sateri, the Finnish producer, to export rayon staple fiber to the United States at LTFV. With the European market experiencing a prolonged slump in demand, both these companies may be induced to increase their exports to the United States in order to maintain their relatively high rates of capacity utilization. The large LTFV margins (24 percent for Rhone Poulenc and 8.7 percent for Sateri) applicable to exports to the United States from these companies suggest that both are willing to make LTFV sales when it is necessary to do so in order to sell their staple.

#### DETERMINATION OF COMMISSIONER STERN

Having considered all of the information before me in these investigations, I determine, pursuant to Section 201 of the Antidumping Act of 1921, as amended, that (1) with respect to Investigation No. AA1921-190, an industry in the United States is being, or is likely to be, injured by reason of the

importation into the United States from France of commodity rayon staple fiber at less than fair value, and (2) with respect to Investigation No. AA1921-191, an industry in the United States is not being, and is not likely to be, injured by reason of the importation into the United States from Finland of commodity rayon staple fiber at less than fair value.

#### THE DOMESTIC INDUSTRY

Rayon staple fiber is a manmade celulosic textile fiber resembling raw or unprocessed cotton. After being spun into yarn, rayon staple fiber is used in either textile fabrication or disposable nonwoven products. The common variety of rayon staple fiber, known as "commodity" staple, accounts for approximately three-fourths of domestic consumption of rayon fiber. Several varieties of "specialty" rayon staple fiber have also been developed to meet particular end-use needs, which cannot be satisfied by commodity staple.

Rayon staple fiber is produced by three companies in the United States—Avtex Fibers (Avtex), Courtaulds North America (Courtaulds), and American Enka (Enka). Two of the three domestic producers manufacture both commodity and specialty staple. Separate data were not obtained in these investigations concerning capacity utilization, employment, inventories, and profit and loss on commodity and specialty type rayon fiber; therefore, in order to evaluate fairly the economic health of the domestic industry, the domestic rayon staple fiber industry must be defined to include facilities producing both types of staple.

However, in view of the fact that all of the imports in question are commodity rayon staple fiber, my determination regarding the causation of injury is limited to the less than fair value imports of commodity rayon staple fiber. Since there were no less than fair value imports of specialty rayon staple fiber, I believe the Commission's determination should conform to the record and, therefore, not apply to specialty rayon fiber.

#### IMPORTS

Imports of commodity staple from France, which were negligible from 1973 through 1976, increased to 3.8 million pounds in 1977 and to 5 million pounds for the first ten months of 1978. Treasury Department price comparisons made on all imports from France for the period November 1, 1977 through April 30, 1978, revealed that 100 percent of the commodity rayon staple fiber exported to the United States from France was sold at a less than fair value margin averaging 24 percent.

Imports of commodity staple from Finland, which were also negligible from 1973 through 1976, increased to 2.1 million pounds in 1977 and 3.3 million pounds during the first ten months of 1978. The price comparisons made on all imports from Finland by the Treasury Department for the period November 1, 1977 through April 30, 1978, revealed that 100 percent of the rayon staple exported to the United States from Finland was sold at a less than fair value margin averaging 8.7 percent. This margin is significantly lower than the French margin.<sup>1</sup>

#### INJURY

Section 201 of the Antidumping Act, as amended, does not set forth standards for determining whether an industry is being or is likely to be injured by reason of less than fair value imports. As a result, the Commission can and does exercise considerable discretion in making its determinations based upon the particular facts in each case. However, as I stated in an earlier opinion on steel wire nails (Investigation No. AA1921-189), Section 201 of the Act requires the Commission to find that two conditions have been satisfied before an affirmative determination can be made. First, the Commission must determine that an industry is being or is likely to be injured. This determination is based upon an analysis of certain economic indicators—consumption, production, capacity changes and utilization, shipments, inventory levels, employment and profits. Second, the Commission must determine that the injury is "by reason of" the less than fair value imports. This second determination is based upon an analysis of such factors as market penetration by less than fair value imports, documented lost sales of domestic manufacturers to less than fair value imports, and a price depression or suppression of the impacted products. As for likelihood of injury, foreign capacity to produce for export is also considered. If the Commission finds that either condition has not been met, its determination must

be negative, and it need not consider factors relevant to determining the other condition.

In the present investigations, I have found, based upon my consideration of the relevant indicators described above, that the rayon staple fiber industry in the United States is being injured. On September 7, 1978, the Commission determined that the domestic rayon staple fiber industry was being or was likely to be injured by reason of the importation of rayon staple fiber from Belgium at less than fair value (Investigation No. AA1921-186). At that time, the Commission based its determination on information which included economic data available through March 1978. The Commission's majority opinion pointed out that the U.S. rayon staple fiber industry had been essentially stagnant over the past several years. Updated Commission data developed in the French and Finnish investigations suggests that while some of the relevant economic indicators have shown limited improvement, other indicators reveal continued stagnation or, in some instances, serious deterioration.

U.S. apparent consumption of rayon staple fiber was 474.7 million pounds in 1976, increasing only slightly in 1977 to 478 million pounds. During the first ten months of 1978, U.S. apparent consumption was only 406.8 million pounds, as compared to 413 million pounds for the same period in 1977.

Capacity utilization was 71 percent in 1976, increasing to 78 percent in 1977. During the first ten months of 1978, there was only a negligible increase to 79 percent. In this regard, it is important to note that in testimony to the Commission, it was pointed out by an industry spokesman that the rayon staple industry is not "very healthy unless we are close to 90 percent capacity utilization."

Domestic production increased from 459 million pounds in 1976 to 507 million pounds in 1977. However, for the first ten months of 1978 domestic production was 427 million pounds, as compared to 437 million pounds for the same period in 1977.

Total shipments by U.S. producers increased from 468 million pounds in 1976 to 483.3 million pounds in 1977. During the first ten months of 1978, total shipments amounted to 443.3 million pounds as compared to 414.9 million pounds for the corresponding period in 1977. However, domestic shipments of rayon staple fiber declined from 433 million pounds in 1976 to 424 million pounds in 1977, and for the first ten months of 1978, U.S. domestic shipments were only 3 percent higher than in the corresponding period in 1977. The growth in total shipments is directly attributable to a

substantial increase in exports. Avtex testified, however, that domestic producers have been forced to sell abroad at prices which do not cover fully their total costs.

Domestic inventories amounted to 24.2 million pounds at the end of 1976, increasing by 95 percent to 47.3 million pounds by the end of 1977. However, at the end of the first ten months of 1978, inventories decreased to 31.4 million pounds.

Most significantly, profitability of the domestic industry has seriously deteriorated. In 1976, the domestic industry earned \$7.6 million, only to suffer a \$1.7 million loss in 1977. In 1978, the financial difficulties of the domestic industry intensified. During the first three quarters of 1978, the domestic industry lost \$7.2 million.

Respondents argued that economic data for the fourth quarter of 1978 indicates substantial improvements with respect to all the economic indicators. Unfortunately, complete data for the fourth quarter of 1978 is not yet available to the Commission. I do not question that some indicators, particularly when data projections for the fourth quarter of 1978 are considered, suggest that the economic health of the domestic rayon staple fiber industry may be improving. However, incomplete indicators of one good quarter following eleven poor quarters is not a sufficient basis upon which to find that an injured industry has recovered and, therefore, is not being or likely to be injured in the future.

There were several factors which influenced my consideration of this last quarter's data. The Antidumping Act is not designed to punish past wrongs.<sup>1</sup> Rather, it is designed to stop present unfair pricing practices and to prevent them from reoccurring in the future. In short, the Act is designed to eliminate any competitive advantage a foreign firm might realize by selling at less than fair value. A determination is, by necessity, largely based on indicators reflecting past events. However, a determination should take into consideration, to the extent possible, present events in the market place.

The domestic rayon staple fiber industry is currently struggling to recover its economic health after being buffeted for several years by less than fair value imports from a number of countries. From present indications, its chances of success are hopeful. However, the current condition of the domestic industry is still one of injury. If the domestic rayon staple fiber industry has been injured by reason of less than fair value imports of com-

<sup>1</sup>The Treasury Department made a last-minute revision of the final less than fair value margins in both cases, which complicated the tasks of all interested parties in the Commission's investigation. Treasury's action bears mentioning because it is not an isolated action. Without the benefit of Treasury's calculations on a timely basis, the Commission will always be hampered in carrying out fairly and efficiently its mandate under the Act. In view of the cooperative framework established by the Antidumping Act and the limited statutory time frame in which the Commission must make its determination, I believe that the Treasury Department must adjust its operations under that Act so as to be able to provide accurate information to the Commission and all interested parties on a timely basis.

<sup>1</sup>The Antidumping Act is retroactive in the limited sense that there is a withholding of appraisement based on the Treasury Department's tentative determination of less than fair value.

modity staple, those imports could have a significant impact on the outcome of the domestic industry's struggle to recover its economic health. Under these circumstances, an affirmative finding is required by the Antidumping Act.

**INJURY OR LIKELIHOOD OF INJURY BY  
REASON OF LTFV SALES.**

**France.**

I believe the record supports a finding that the domestic rayon staple fiber industry is being injured by reason of the importation of commodity rayon staple fiber from France which is being sold at less than fair market value.

First, although the ratio of French imports to domestic apparent consumption is not unusually high—0.8 percent in 1977 and 1.2 percent during January-October 1978, the Commission's staff developed detailed and convincing documentation of lost sales and price suppression resulting directly from imports of French commodity staple sold at less than fair value. In one incident a U.S. company continued to sustain a loss of business when its customer switched to French commodity rayon staple fiber as a replacement for Belgian fiber when that product was withdrawn from the U.S. market after Treasury began withholding appraisalment on imports from Belgium on January 23, 1978. In another incident, where a U.S. company purchased French commodity staple fiber at less than fair value prices, persuasive documentation existed that a domestic producer felt compelled to reduce its selling price in order to retain this customer.

Second, the Treasury Department found on the basis of 100 percent of the commodity rayon staple fiber exported to the United States by France that the less than fair value margin was an average of 24 percent. U.S. producers, seeking to maintain their competitive position in face of this large margin, have been forced to suppress their prices.

**Finland**

The circumstances and impact of the French imports contrasts sharply with the case of Finnish imports. The record in the Finnish case does not support a positive finding of injury by reason of imports at less than fair market value.

The Commission has been able to investigate two of the three instances of Finnish less than fair value sales made to U.S. companies. In one instance, the U.S. company claimed that it purchased Finnish staple because it could not obtain all it required of off-standard commodity rayon staple from domestic sources. In contrast with this

Finnish sale; the more flexible requirements of the purchasers of the French goods permitted a larger scope for substitution. In other words, the French imports—but not the Finnish—of commodity staple were essentially fungible with respect to the commodity staple available from domestic producers. In the second documented case of a Finnish sale, the U.S. company stated that it desired a secondary source of supply.

In addition, no evidence was submitted to the Commission which indicated price suppression due to less than fair value imports from Finland. On the contrary, evidence was submitted to the Commission which indicated that the price of the Finnish staple was essentially the same as the standard price for comparable domestically-produced commodity staple of the same grade.

The Treasury Department figured on the basis of 100 percent of the commodity rayon staple fiber exported to the United States by Finland that the less than fair value margin was only an average of 8.7 percent. The smaller the margin, the less significant it is in terms of price competitiveness. The Finnish margin is less than one-third of that found in the French case.

In view of the fact that the Finnish producer has been operating at close to 100 percent of capacity in 1977 and 1978, and has raised its U.S. price for rayon staple twice within the last five months, I believe the record does not indicate that there is a likelihood of injury to the domestic industry.

**CONCLUSION**

In order to discourage and prevent such unfairly-priced imports, the Antidumping Act provides for a finely-tuned sanction in the form of dumping duties which are placed only on the unfairly-priced goods and only at a level that puts the price of the goods of the unfair foreign competitor on par with U.S. producers. In the case of French imports of commodity rayon staple fiber, the effect of these imports at less than fair value has been to injure the domestic rayon staple fiber industry and to hinder that industry's efforts to recover its economic health. In the case of Finnish imports of commodity rayon staple fiber at less than fair value, the effect of those imports has not been to injure the domestic rayon staple fiber industry. Accordingly, there is no need to impose the sanctions of the Antidumping Act to Finnish imports of commodity staple.

A comparison of these cases illustrates clearly that the Antidumping Act is remedial, not penal. It is not designed to prevent less than fair value sales *per se*, but rather to discourage and prevent foreign producers from

utilizing unfair price discrimination practices to the detriment of a United States industry.

**VIEWS OF COMMISSIONER BILL ALBERGER, (RAYON STAPLE FIBER FROM FRANCE AND FINLAND)**

In order for a Commissioner to make an affirmative determination in an investigation under the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), it is necessary to find that an industry in the United States is being or is likely to be injured, or is prevented from being established,<sup>1</sup> and the injury or likelihood thereof must be by reason of imports at less than fair value (LTFV).

**DETERMINATION**

On the basis of information obtained in this investigation, I determine that an industry in the United States is not being injured and is not likely to be injured by reason of the importation of rayon staple fiber from France and Finland, which the Department of the Treasury (Treasury) has determined is being sold at LTFV.

**THE IMPORTED ARTICLE AND THE  
DOMESTIC INDUSTRY**

Rayon staple fiber is a manmade textile fiber, which resembles raw or unprocessed cotton. It is spun into yarn and then either woven or otherwise processed into a variety of end products. In this determination, I consider the relevant domestic industry to consist of the facilities in the United States devoted to the production of rayon staple fiber. Three U.S. firms currently produce rayon staple fiber.

**LTFV SALES**

U.S. imports of rayon staple from France and Finland which were negligible from 1973 through 1976 increased to 3.8 million pounds and 2.1 million pounds, respectively, in 1977. January-October 1978 import levels rose to 5 million pounds for France and 3.3 million pounds for Finland. This represented a 1.2 percent import to apparent consumption ratio for French imports and a 0.8 percent ratio for Finnish imports.

Treasury made price comparisons on French and Finnish rayon staple exports to the United States for the period November 1, 1977 through April 30, 1978. These comparisons revealed that 100 percent of the French and Finnish exports to the U.S. was sold at LTFV, the weighted average margins being 24 and 8.7 percent, respectively.

<sup>1</sup>Prevention of the establishment of an industry is not an issue and will not be discussed further.

THE QUESTION OF INJURY OR LIKELIHOOD  
BY REASON OF LTFV SALES

**U.S. imports**—From 1973 through 1977, total imports of rayon staple fiber have increased from 44.2 million pounds to 54.1 million pounds and based on January–October 1978 data, appear to be dropping back well below 1977 levels. Imports from France in 1977 were 3.8 million pounds and 5.0 million pounds for January–October 1978. These figures represent 0.8 percent and 1.2 percent of apparent consumption, respectively. Finnish imports for 1977 were 2.1 million pounds and 3.3 million pounds for January–October 1978, accounting for 0.4 percent and 0.8 percent of apparent consumption, respectively.

**Production and shipments**—U.S. production declined from a high level of 660 million pounds in 1973 to a low of 350 million pounds in 1975, then recovered to 507 million pounds in 1977, and based on January–October 1978 data, appear to be maintaining the 1977 level. Shipments by U.S. producers followed a similar pattern from 1973 through 1977, and are up by 28.4 million pounds during January–October 1978 when compared with the same period in 1977.

Curiously, while imports of rayon staple fiber were almost exclusively of commodity staple (as opposed to specialty staple), the decline in U.S. producers' shipments is greater for specialty staple than for commodity staple. This suggests that declining demand is a rather important ingredient in the declines apparent in 1975 in all factors.

**Capacity utilization**—Domestic facilities producing rayon staple fiber operated at 84 percent of capacity in 1973 and 78 percent in 1974, before dropping to 49 percent during the 1975 recession. Capacity has dropped about 17 percent since 1974, and the utilization rate in 1977 and January–October 1978 has recovered to the 1974 level.

**Exports**—Substantial quantities of rayon staple fiber have been exported in recent years. U.S. exports increased from only 16.9 million pounds in 1973 to 33.8 million pounds in 1974, and then jumped to 59.4 million pounds in 1977. Exports for January–October 1978 are nearly 19 million pounds more than the comparable period of 1977 and are nearly nine times the size of the combined exports from France and Finland to the U.S.

**Inventories**—The peak level of inventories during the period January 1973–October 1978 was reached at the end of 1974—67.3 million pounds. Inventories had dropped to 24.2 million by the end of 1976, but were up again to 47.3 million pounds on December 31, 1977, before dropping to 31.4 million pounds by the end of October 1978.

**Consumption**—Apparent consumption of rayon staple peaked in 1968 at 890 million pounds, dropped to 711 million pounds in 1973 and then dropped to 391 million pounds in 1975. A great deal of this decline is attributable to competition from polyester and other man-made fibers. In 1976 and 1977, apparent consumption recovered to 475 and 478 million pounds, respectively. January–October 1978 figures are slightly below those for the same 10 months of 1977.

**Employment**—The average number of production and related workers producing rayon staple fiber declined from 3,700 in 1973–74 to 2,300 in 1975. By 1977, the number had climbed to 2,700 with a further increase to 3,000 workers in January–October 1978. Hours worked increased from 5.7 million hours in 1977 to 6.3 million, on an annualized basis, for 1978.

**Profits**—Since 1974, when the aggregate net operating profit to net sales ratio was 13.4 percent, losses have been more the rule than profits. Losses for the industry as a whole occurred in both 1975 and 1977, and 1978 figures through September show a net operating loss to net sales ratio of 2.9 percent.

**Prices**—Price competition exists in three different ways in this investigation. Intense competition appears to exist between the three domestic producers, who accounted for between 94 percent and 89 percent of apparent consumption between 1973 and 1977. Obviously, competition also exists between importers and U.S. producers. A third area of price competition involves the interaction of rayon staple, polyesters and other man-made fibers in the marketplace. While prices may appear low and suppressed since late 1974, the competition between substitute fibers appears to be an important factor.

Prices of both French and Finnish rayon staple have been at levels below the average domestic selling price in both 1977 and 1978.

U.S. producers who had lowered their prices from the second quarter of 1977 through the second quarter of 1978 raised them during October–November 1978, when they reported an average price for a representative item of rayon staple fiber slightly below the average price for the same item of imported rayon staple.

In competition with other man-made fibers, including polyester staple and cotton staple, rayon staple fiber has lost about half its market share in the past six years. The loss has been to polyester staple which has incurred much lower price increases over the six-year period than has rayon. For the past three years, the prices of rayon and polyester have paralleled

one another, and relative market share of the two have been constant.

In my judgment, competition with other fibers, particularly polyester, is a greater restraint on domestic prices of rayon staple than import prices, and the competition among domestic producers is primarily responsible for the price rollback in 1977. The refusal of one producer to join the increase was a more important restraining force on prices than the prices of imported products from France or Finland.

**Lost sales**—The Commission investigated four instances of sales allegedly lost to LTFV imports from France and Finland. One of these was a simple case of a customer substituting French imports for Belgian imports. Another, who made significant purchases of the French product in 1977 and 1978, maintained a stable level of purchases of the U.S. product for the same period and, therefore, it is difficult to find that the foreign purchases were "lost sales". With regard to sales allegedly lost to Finnish staple, customers cited interest in obtaining a secondary source of supply and the inability of domestic producers to provide a sufficient quantity of the off-standard rayon staple it needed as reasons for buying imports.

**Summary**—1975, two years prior to the entry of French and Finnish imports into the U.S. market, was an extremely difficult year for the domestic rayon staple industry. Virtually every factor I have discussed experienced a sharp decline. Since then, however, the domestic industry has shown signs of recovery. Production, shipments, capacity utilization, and employment are at or approaching 1974 levels. Exports, already at record levels in 1977, will apparently increase even further in 1978. Profits made a slight recovery in 1976, but have faded considerably in 1977 and into 1978. Prices which have been up and down have been moving upward from June through November 1978. Consumption, while up from 1975, still is well off from 1974 levels.

In short, other than the profit picture, the domestic industry is doing better than might be expected, particularly in view of the more limited increase in consumption of rayon staple in recent years.

With respect to likelihood of injury, the only factor suggesting any future injury is profits. Production, shipments, capacity utilization, employment and consumption are all up or steady and inventories are down. As far as the capacity of French and Finnish producers is concerned, information received during the Commission's public hearing indicates both are operating at high rates of capacity utilization and have little excess capacity which could be used to produce



additional rayon staple for the U.S. market. In addition, the recent Occupational Safety and Health Administration (OSHA) regulations regarding cotton dust will apparently cause a shift to rayon staple as a substitute for cotton. This increase in demand should result in further improvement in the performance of the domestic rayon staple industry.

Therefore, based on the factors I have discussed, I conclude that the domestic rayon staple industry is not being injured and is not likely to be injured by LITV imports from France and Finland.

By order of the Commission.

Issued: February 14, 1979.

KENNETH R. MASON,  
Secretary.

[FR Doc. 79-5287 Filed 2-16-79; 8:45 am]

#### [7020-02-M]

[AA1921-194, AA1921-195, and AA1921-196]

#### PERCHLOROETHYLENE FROM BELGIUM, FRANCE, AND ITALY

##### Investigations and Hearing

The United States International Trade Commission (Commission) received advice from the Department of the Treasury (Treasury) on January 30, 1979, that perchloroethylene from Belgium, France, and Italy, provided for in item 429.34 of the Tariff Schedules of the United States, is being, or is likely to be, sold at less than fair value within the meaning of the Anti-dumping Act, 1921. Accordingly, the Commission on February 8, 1979, instituted investigations Nos. AA1921-194, AA1921-195, and AA1921-196, under section 201(a) of the act, to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

**Hearing.** A public hearing in connection with the investigations will be held in Washington, D.C., on Tuesday, March 13, 1979, at 10:00 a.m., e.s.t. The hearing will be held in Room 117, United States International Trade Commission Building, 701 E Street, NW., Washington, D.C. All parties will be given an opportunity to be present, to produce evidence, and to be heard at such hearing. Requests to appear at the public hearing should be received in writing in the office of the Secretary to the Commission not later than noon Thursday, March 8, 1979.

**Written statements.** Interested parties may submit statements in writing in lieu of, and in addition to, appearance at the public hearing. A signed original and nineteen true copies of such statements should be submitted.

To be assured of their being given due consideration by the Commission, such statements should be received not later than Friday, March 23, 1979.

By order of the Commission.

Issued: February 13, 1979.

KENNETH R. MASON,  
Secretary.

[FR Doc. 79-5288 Filed 2-16-79; 8:45 am]

#### [4410-18-M]

##### DEPARTMENT OF JUSTICE

##### Law Enforcement Assistance Administration NATIONAL INSTITUTE OF LAW ENFORCEMENT AND CRIMINAL JUSTICE

Statistical Analysis Centers; Solicitation  
Regarding Competitive Research Grant  
Program

The National Institute of Law Enforcement and Criminal Justice announces a competitive research grant program to evaluate the Statistical Analysis Centers (SACs), currently operating in 40 states. The purpose of this evaluation grant is to assess the operations and effectiveness of the SACs. Key research questions in this evaluation are:

1. Have the SACs been effective and, if so, what factors have contributed to their effectiveness?

2. Are the SACs as they currently exist, able to act as the Statistical Bureaus prescribed under the Federal/State/Local Cooperative Statistical Program as defined by the Office of Statistical Policy and Standards, U.S. Department of Commerce?

3. Are the SACs guidelines based on valid assumptions about the operations of these centers?

The solicitation asks for the submission of draft proposals. A formal application will be requested following a peer review process in accordance with the criteria set forth in the solicitation. In order to be considered, all papers must be postmarked no later than April 1, 1979. This grant is planned for award in September 1979 with funding support not to exceed \$200,000 or 15 months in duration for individual grants.

Further information and copies of the solicitation can be obtained by contacting Harold Holzman, Office of Program Evaluation, NILECJ, 633 Indiana Avenue, NW, Washington, D.C. (301) 492-9085.

BLAIR G. EWING,  
Acting Director, National Institute of Law Enforcement and Criminal Justice.

[FR Doc. 79-5217 Filed 2-16-79; 8:45 am]

#### [6820-35-M]

##### LEGAL SERVICES CORPORATION

##### GRANTS AND CONTRACTS

FEBRUARY 7, 1979.

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93-355, 88 Stat. 378, U.S.C. 2996-2996f, as amended, Pub. L. 95-222 (December 28, 1977). Section 1007(f) provides: "At least 30 days prior to the approval of any grant application or prior to entering into a contract or prior to the initiation of any other project, the Corporation shall announce publicly \* \* \* such grant, contract or project."

The Legal Services Corporation hereby announces publicly that it is considering the grant applications submitted by:

1. Keystone Legal Services in State College, Pennsylvania to serve Huntingdon and Mifflin (Partial) Counties.
2. Legal Services, Inc. in Carlisle, Pennsylvania to serve Cumberland County.
3. Northwestern Legal Services in Erie, Pennsylvania to serve Mercer County.
4. Northern Pennsylvania Legal Services in Scranton, Pennsylvania to serve Bradford and Wayne Counties.
5. Lehigh Valley Legal Services in Bethlehem, Pennsylvania to serve Northampton County.
6. Susquehanna Legal Services in Williamsport, Pennsylvania to serve Northumberland, Snyder and Union Counties.
7. Southern Alleghany Legal Aid in Johnstown, Pennsylvania to serve Bedford County.
8. Laurel Legal Services in Greensburg, Pennsylvania to serve Clarion and Jefferson Counties.
9. Schuylkill County Legal Services in Pottsville, Pennsylvania to serve Schuylkill County.

Interested persons are hereby invited to submit written comments or recommendations concerning the above applications to the Regional Office of the Legal Services Corporation at:

Legal Services Corporation, Philadelphia Regional Office, 101 North 33rd Street, Suite 404, Philadelphia, PA 19104.

THOMAS EHRLICH,  
President.

[FR Doc. 79-5205 Filed 2-16-79; 8:45 am]

#### [6820-35-M]

##### GRANTS AND CONTRACTS

FEBRUARY 13, 1979.

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93-355 88 Stat. 378, 42 U.S.C. 2996-



29961, as amended, Pub. L. 95-222 (December 28, 1977). Section 1007(f) provides: "At least 30 days prior to the approval of any grant application or prior to entering into a contract or prior to the initiation of any other project, the Corporation shall announce publicly \* \* \* such grant, contract or project."

The Legal Services Corporation hereby announces publicly that it is considering the grant application submitted by:

Legal Services Corporation of Iowa in Des Moines, Iowa to serve Worth, Mitchell, Mahaska, Monroe, Appanoose, Keokuk, Wapello, Davis, Jefferson, Des Moines, Lee, Henry, Dallas, Madison, Warren, Marion, Pocahontas, Sioux, Plymouth, Cherokee, Ida, Howard, Chicasaw, Winneshiek, Cass, Montgomery, Page, Fremont, Tama, Clay and O'Brien Counties.

Interested persons are hereby invited to submit written comments or recommendations concerning the above application to the Regional Office of the Legal Services Corporation at:

Legal Services Corporation, Chicago Regional Office, 310 South Michigan Avenue, 24th Floor, Chicago, Illinois 60604.

THOMAS EHRLICH,  
President.

[FR Doc. 79-5204 Filed 2-16-79; 8:45 am]

[7590-01-M]

### NUCLEAR REGULATORY COMMISSION

#### ADVISORY COMMITTEE ON REACTOR SAFETY- GUARDS; IMPROVED SAFETY SYSTEMS SUB- COMMITTEE

##### Meeting

The ACRS Improved Safety Systems Subcommittee will hold an open meeting on March 7, 1979, in Room 1046, 1717 H Street, N.W., Washington, DC 20555.

In accordance with the procedures outlined in the FEDERAL REGISTER on October 4, 1978, (43 FR 45926), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The agenda for subject meeting shall be as follows:

WEDNESDAY, MARCH 7, 1979

The meeting will commence at 8:30 a.m.

The Subcommittee may meet in Executive Session, with any of its consultants who may be present, to explore and exchange their preliminary opinions regarding matters which should be considered during the meeting and to formulate a report and recommendations to the full Committee.

At the conclusion of the Executive Session, the Subcommittee will hold discussions with representatives of the NRC Staff, the Department of Energy (DOE), and their consultants, regarding their plans for research to improve the light-water reactor safety systems. The Subcommittee may then caucus to determine whether the matters identified in the initial session have been adequately covered and whether the subject is ready for review by the full Committee.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the Designated Federal Employee for this meeting, Dr. Thomas G. McCreless, (telephone 202/634-3267) between 8:15 a.m. and 5:00 p.m., EST.

Dated: February 13, 1979.

JOHN C. HOYLE,  
Advisory Committee  
Management Officer.

[FR Doc. 79-5221 Filed 2-16-79; 8:45 am]

[7590-01-M]

#### ADVISORY COMMITTEE ON REACTOR SAFETY- GUARDS; REACTOR SAFETY RESEARCH SUB- COMMITTEE

##### Meeting

The ACRS Reactor Safety Research Subcommittee will hold an open meeting on March 7, 1979, in Room 1046, 1717 H Street, N.W., Washington, DC 20555.

In accordance with the procedures outlined in the FEDERAL REGISTER on October 4, 1978, (43 FR 45926), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The agenda for subject meeting shall be as follows:

WEDNESDAY, MARCH 7, 1979

The meeting will commence at 2:00 p.m.

The Subcommittee may meet in Executive Session, with any of its consultants who

may be present, to explore and exchange their preliminary opinions regarding matters which should be considered during the meeting and to formulate a report and recommendations to the full Committee.

At the conclusion of the Executive Session, the Subcommittee will hold discussions with representatives of the NRC Staff, and their consultants, regarding plans for preparation of the ACRS 1979 Report to Congress on NRC Research. The Subcommittee may then caucus to determine whether the matters identified in the initial session have been adequately covered and whether the subject is ready for review by the full Committee.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the Designated Federal Employee for this meeting, Dr. Thomas G. McCreless, (telephone 202/634-3267) between 8:15 a.m. and 5:00 p.m., EST.

Dated: February 13, 1979.

JOHN C. HOYLE,  
Advisory Committee  
Management Officer.

[FR Doc. 79-5222 Filed 2-16-79; 8:45 am]

[7590-01-M]

IDocket No. 40-8698]

#### PLATEAU RESOURCES, LTD.

#### Notice of Availability of Draft Environmental Statement for Shooter Canyon Uranium Project

Pursuant to the National Environmental Policy Act of 1969 and the United States Nuclear Regulatory Commission's regulations in 10 CFR Part 51, notice is hereby given that a Draft Environmental Statement prepared by the Commission's Office of Nuclear Material Safety and Safeguards related to the Shooter Canyon Uranium Project in Garfield County, Utah, is available for inspection by the public in the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C. The Draft Statement is also being made available at the Utah State Clearinghouse, Utah Planning Coordinator, Office of the Governor, State Capitol Building, Salt Lake City, Utah 84114 and the Five County Association of Governments Organization, P.O. Box O, 620 South 400 East, St. George, Utah 84770.

Requests for copies of the Draft Environmental Statement (identified as NUREG-0504) should be addressed to the U.S. Nuclear Regulatory Commission, Division of Technical Information and Document Control, Washington, D.C. 20555.

Interested persons may submit comments on the Draft Environmental Statement for the Commission's consideration. Federal and State agencies are being provided with copies of the Draft Environmental Statement (local agencies may obtain these documents upon request). Comments by Federal, State, and local officials, or other persons received by the Commission will be made available for public inspection at the Commission's Public Document Room in Washington, D.C. Comments are due by April 2, 1979.

Upon consideration of comments submitted with respect to the Draft Environmental Statement, the Commission's staff will prepare a Final Environmental Statement, the availability of which will be published in the FEDERAL REGISTER.

Comments on the Draft Environmental Statement from interested persons of the public should be addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Fuel Cycle and Material Safety.

Dated at Silver Spring, Maryland, this 2nd day of February, 1979.

For the Nuclear Regulatory Commission.

ROSS A. SCARANO,  
Section Leader, Uranium Mill  
Licensing Section, Fuel Processing and Fabrication  
Branch, Division of Fuel Cycle  
and Material Safety.

[FR Doc. 79-5223 Filed 2-16-79; 8:45 am]

#### [7590-01-M]

[Docket Nos. 50-325 and 50-324]

#### CAROLINA POWER & LIGHT CO.

#### Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 19 and 43 to Facility Operating License Nos. DPR-71 and DPR-62 issued to Carolina Power & Light Company (the licensee) for operation of the Brunswick Steam Electric Plant, Unit Nos. 1 and 2 (the facility), located in Brunswick County, North Carolina. The amendments are effective as of their date of issuance.

The amendments revise the Technical Specifications to limit the annual gaseous release to the 10 CFR 50 Appendix I design objectives for BSEP during the interim period until the Augmented Offgas System is restored to an operable status. The enclosed Technical Specifications have been slightly modified from those proposed in your October 16, 1978 submittal. These changes have been discussed with and agreed to by your staff.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of the amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of the amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of the amendments.

For further details with respect to this action, see (1) the application for amendments dated October 16, 1978, (2) Amendment Nos. 19 and 43 to License Nos. DPR-71 and DPR-62, and (3) the Commission's related Safety Evaluation. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555, and at the Southport-Brunswick County Library, 109 West Moore Street, Southport, North Carolina 28461. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 9th day of February 1979.

For the Nuclear Regulatory Commission.

THOMAS A. IPPOLITO,  
Chief, Operating Reactors  
Branch No. 3, Division of Operating Reactors.

[FR Doc. 79-5225 Filed 2-16-79; 8:45 am]

#### [7590-01-M]

[Docket No: 50-358]

#### CINCINNATI GAS & ELECTRIC CO., ET AL.

#### Availability of Safety Evaluation Report for William H. Zimmer Nuclear Power Station, Unit No. 1

Notice is hereby given that the Office of Nuclear Reactor Regulation has published its Safety Evaluation Report on the proposed operation of the William H. Zimmer Nuclear Power Station, Unit No. 1, to be located in Clermont County, Ohio. Notice of receipt of Cincinnati Gas and Electric Company, Columbia and Southern Ohio Electric Company, and the

Dayton Power and Light Company application to construct and operate the William H. Zimmer Nuclear Power Station, Unit No. 1 was published in the FEDERAL REGISTER on September 24, 1975 (40 FR 4359).

The report is being referred to the Advisory Committee on Reactor Safeguards and is being made available at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Clermont County Library, Third and Broadway Streets, Batavia, Ohio 45103 for inspection and copying. The report (Document No. NUREG-0528) can also be purchased at current rates, from the National Technical Information Service, Department of Commerce, 5825 Port Royal Road, Springfield, Virginia 22161.

Dated at Bethesda, Maryland this 31st day of January 1979.

For the Nuclear Regulatory Commission.

JOHN F. STOLZ,  
Chief, Light Water Reactors  
Branch No. 1, Division of Project Management.

[FR Doc. 79-5226 Filed 2-16-79; 8:45 am]

#### [7590-01-M]

[Docket No. 70-2623, Materials License  
Amendment]

#### DUKE POWER CO.

#### Amendment of Materials License SNM-1773 for Oconee Nuclear Station Spent Fuel Transportation and Storage at McGuire Nuclear Station; Assignment of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority in 10 CFR 2.787(a), the Chairman of the Atomic Safety and Licensing Appeal Panel has assigned the following panel members to serve as the Atomic Safety and Licensing Appeal Board for this materials license amendment proceeding: Alan S. Rosenthal, Chairman; Dr. John H. Buck; and Michael C. Farrar.

Dated: February 8, 1979.

MARGARET E. DU FLO,  
Secretary to the  
Appeal Board.

[FR Doc. 79-5227 Filed 2-16-79; 8:45 am]

#### [7590-01-M]

[Docket No. 50-321]

#### GEORGIA POWER CO., ET AL.

#### Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 63 to Facility Operating License No. DPR-57, issued to

Georgia Power Company, Oglethorpe Electric Membership Corporation, Municipal Electric Association of Georgia, and the City of Dalton, Georgia, which revised Technical Specifications for operation of the Edwin I. Hatch Unit No. 1 (the facility) located in Appling County, Georgia. The amendment is effective as of its date of issuance.

The amendment deletes the requirement for trip of the High Pressure Coolant Injection (HPCI) and Reactor Core Isolated Cooling (RCIC) steam line isolation valves upon a high differential temperature condition between the inlet and outlet ventilation air of the HPCI and RCIC pump rooms.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated January 19, 1979, (2) Amendment No. 63 to License No. DPR-57, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Appling County Public Library, Parker Street, Baxley, Georgia 31513. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 9th day of February 1979.

For the Nuclear Regulatory Commission.

THOMAS A. IPPOLITO,  
Chief, Operating Reactors  
Branch No. 3, Division of Operating Reactors.

[FR Doc. 79-5228 Filed 2-16-79; 8:45 am]

# [7590-01-M]

[Docket No. 50-4821]

## KANSAS GAS & ELECTRIC CO. AND KANSAS CITY POWER & LIGHT CO. (WOLF CREEK NUCLEAR GENERATING STATION, UNIT NO. 1)

Request for Suspension of the Construction Permit of Kansas Gas & Electric Co., Kansas City Power & Light Co. for Wolf Creek Unit No. 1

Notice is hereby given that by letter dated January 11, 1979, the Mid-America Coalition for Energy Alternatives requested that the Commission suspend the construction permit for Wolf Creek Nuclear Generating Station, Unit 1. The Mid-America Coalition for Energy Alternatives requests the Commission to suspend the construction permit pursuant to its authority under 10 CFR 50.100. The request is based on the alleged lack of quality assurance not only in the cited example of safety-related concrete construction, but in all construction activity at the site. Reference is made to the fact that on one occasion the Office of Inspection and Enforcement made specific recommendations for overall quality assurance and quality control improvement. MACEA then asserts there has been a failure on the part of the licensee to build the plant in the required manner.

This request is being treated under 10 CFR 2.206 of the Commission's regulations, and accordingly, action will be taken on the request within a reasonable time.

Copies of this request are available for inspection in the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555, and at the local public document room for the Wolf Creek plant located near Burlington, Kansas.

Dated at Bethesda, Maryland this 8th day of February, 1979.

For the Nuclear Regulatory Commission.

JOHN G. DAVIS,  
Acting Director, Office of  
Inspection and Enforcement.

[FR Doc. 79-5229 Filed 2-16-79; 8:45 am]

# [7590-01-M]

[Docket No. 50-3441]

## PORTLAND GENERAL ELECTRIC CO., ET AL

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 36 to Facility Operating License No. NPF-1 issued to Portland General Electric Company, the City of Eugene, Oregon, and Pacific

Power and Light Company which revised Technical Specifications for operation of the Trojan Nuclear Plant (the facility), located in Columbia County, Oregon. The amendment is effective as of its date of issuance.

This amendment revises the surveillance testing program for the auxiliary feedwater pumps and clarifies the testing requirement for the control room emergency ventilation system.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated March 13, 1978, (2) Amendment No. 36 to License No. NPF-1 and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C. 20555, and at the Columbia County Courthouse, Law Library, Circuit Court Room, St. Helens, Oregon 97051. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 12th day of February, 1979.

For the Nuclear Regulatory Commission.

A. SCHWENCER,  
Chief, Operating Reactors  
Branch No. 1, Division of Operating Reactors.

[FR Doc. 79-5230 Filed 2-16-79; 8:45 am]

## [7590-01]

[Docket No. 50-272]

## PUBLIC SERVICE ELECTRIC &amp; GAS CO., ET AL.

## Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 13 to Facility Operating License No. DPR-70, issued to Public Service Electric and Gas Company, (the licensee) Philadelphia Electric Company, Delmarva Power and Light Company, and Atlantic City Electric Company, which revise the Technical Specifications for the Salem Nuclear Generating Station, Unit No. 1 located in Salem County, New Jersey. The amendment is effective as of its date of issuance.

The amendment (1) revises the surveillance requirements for fire detection instrumentation, (2) includes changes to the offsite and station organizations, and the memberships of the Station Operations Review Committee (SORC) and Nuclear Review Board (NRB) and (3) includes miscellaneous administrative changes.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated December 21, 1977 as supplemented April 12, August 18, September 25, and October 17, 1978, (2) Amendment No. 13 to License No. DPR-70 and (3) the Commission's related Safety Evaluation. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Salem Free Public Library, 112 West Broadway, Salem, New Jersey 08079. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 12th day of February, 1979.

For the Nuclear Regulatory Commission.

A. SCHWENCER,  
Chief, Operation Reactors  
Branch No. 1, Division of Operating Reactors.

[FR Doc. 79-5231 Filed 2-16-79; 8:45 am]

## [7590-01-M]

[Docket No. 50-259]

## TENNESSEE VALLEY AUTHORITY

## Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 48 to Facility Operating License No. DPR-33 issued to Tennessee Valley Authority (the licensee), which revised the Technical Specifications for operation of the Browns Ferry Nuclear Plant, Unit No. 1 (the facility) located Limestone County, Alabama. The amendment is effective as of the date of issuance.

This amendment permits operation of Browns Ferry Unit No. 1 in Cycle No. 3 following the second refueling outage.

The application for this amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated September 8, 1978, as supplemented by letters dated October 5, 1978, November 30, 1978, December 5, 1978, December 14, 1978, January 8, 1979, January 9, 1979, and January 23, 1979, (2) Amendment No. 48 to License No. DPR-33, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Athens Public Library, South and

Forrest, Athens, Alabama 35611. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 8th day of February 1979.

For the Nuclear Regulatory Commission.

THOMAS A. IPPOLITO,  
Chief, Operating Reactors  
Branch No. 3, Division of Operating Reactors.

[FR Doc. 79-5232 Filed 2-16-79; 8:45 am]

## [7590-01-M]

[Docket No. 50-192]

## UNIVERSITY OF TEXAS

## Withdrawal of Application for Amendment to Facility License

The University of Texas (the licensee), by letter dated January 11, 1979, has requested withdrawal of its application dated January 14, 1974, for amendment to Facility License No. R-92. The amendment would have authorized an increase in steady state power level and an increase in the maximum reactivity insertion for pulsed experiments for the licensee's TRIGA Mark III reactor located in Austin, Texas.

A copy of the letter of withdrawal is available for inspection in the Nuclear Regulatory Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. The Commission grants the licensee's request for withdrawal of this application.

Notice of receipt of the application was published in the FEDERAL REGISTER on March 4, 1975, 40 FR 9013.

Dated at Bethesda, Maryland, this 31st day of January, 1979.

For the Nuclear Regulatory Commission.

ROBERT W. REID,  
Chief, Operating Reactors  
Branch No. 4 Division of Operating Reactors.

[FR Doc. 79-5233 Filed 2-16-79; 8:45 am]

## [7590-01-M]

## REGULATORY GUIDE

## Issuance and Availability

The Nuclear Regulatory Commission has issued a new guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evalu-

ating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 8.23, "Radiation Safety Surveys at Medical Institutions," identifies the types and frequencies of surveys that are acceptable to the NRC staff for use in medical institutions licensed by the NRC to use radioactive materials for purposes of diagnosis, therapy, or research.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time. Public comments on Regulatory Guide 8.23 will, however, be particularly useful in evaluating the need for an early revision if received by April 12, 1979.

Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of the latest revision of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides in specific divisions should be made in writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Technical Information and Document Control. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland this 5th day of February 1979.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,  
Director,  
Office of Standards Development.  
[FR Doc. 79-5234 Filed 2-16-79; 8:45 am]

#### [7590-01-M]

##### REVISION TO THE STANDARD REVIEW PLAN (NUREG-75/087)

###### Issuance and Availability

As a continuation of the updating program for the Standard Review Plan (SRP) previously announced (FEDERAL REGISTER notice dated December 8, 1977), the Nuclear Regulatory Commission's (NRC's) Office of Nuclear Reactor Regulation has published Revision No. 1 to Section No. 13.4, "Operational Review" of the SRP

for the NRC staff's safety review of applications to build and operate light-water-cooled nuclear power reactors. The purpose of the plan is to improve both the quality and uniformity of the NRC staff's review of applications to build new nuclear power plants, and to make information about regulatory matters widely available, including the improvement of communication and understanding of the staff review process by interested members of the public and the nuclear power industry. The purpose of the updating program is to revise sections of the SRP for which changes in the review plan have been developed since the original issuance in September 1975 to reflect current practice.

Copies of the Standard Review Plan for the Review of Safety Analysis Reports for Nuclear Power Plants, which has been identified as NUREG-75/087, are available from the National Technical Information Service, Springfield, Virginia 22161. The domestic price is \$70.00, including first-year supplements. Annual subscriptions for supplements alone are \$30.00. Individual sections are available at current prices. The domestic price for Revision No. 1 to Section No. 13.4 is \$4.00. Foreign price information is available from NTIS. A copy of the Standard Review Plan, including all revisions published to date is available for public inspection at the NRC's Public Document Room at 1717 H Street NW., Washington, D.C. 20555 (5 U.S.C. 552(a)).

Dated at Bethesda this 5th day of February 1979.

For the U.S. Nuclear Regulatory Commission.

ROGER S. BOYD,  
Director, Division of Project  
Management, Office of Nuclear  
Reactor Regulation.

[FR Doc. 79-5235 Filed 2-16-79; 8:45 am]

#### [7590-01-M]

##### DRAFT REGULATORY GUIDE

###### Issuance and Availability

The Nuclear Regulatory Commission has issued for public comment a draft of a new guide planned for its Regulatory Guide Series together with a draft of the associated value/impact statement. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its

review of applications for permits and licenses.

The draft guide, temporarily identified by its task number, RS 810-5, is entitled "Qualification of Quality Assurance Program Audit Personnel for Nuclear Power Plants," and is intended for Division 1, "Power Reactors." It describes a method for complying with the Commission's regulations with regard to qualification of personnel who audit quality assurance programs for nuclear power plants.

This draft guide and the associated value/impact statement are being issued to involve the public in the early stages of the development of a regulatory position in this area. They have not received complete staff review, have not been reviewed by the NRC Regulatory Requirements Review Committee, and do not represent an official NRC staff position.

Public comments are being solicited on both drafts, the guide (including any implementation schedule) and the draft value/impact statement. Comments on the draft value/impact statement should be accompanied by supporting data. Comments on both drafts should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, by April 13, 1979.

Although a time limit is given for comments on these drafts, comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time.

Regulatory guides are available for inspection at the Commission's Public Document Room 1717 H Street NW., Washington, D.C. Requests for single copies of draft guides or the latest revision of published guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides or draft guides in specific divisions should be made in writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Technical Information and Document Control. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a)).

Dated at Rockville, Maryland this 12th day of February 1979.

For the Nuclear Regulatory Commission.

GUY A. ARLOTTO,  
Director, Division of Engineering  
Standards, Office of Standards  
Development.

[FR Doc. 79-5236 Filed 2-16-79; 8:45 am]

[3110-01-M]

# OFFICE OF MANAGEMENT AND BUDGET

## AGENCY FORMS UNDER REVIEW

### BACKGROUND

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Federal Reports Act (44 U.S.C., Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the Act also considers comments on the forms and recordkeeping requirements that will affect the public.

### LIST OF FORMS UNDER REVIEW

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, or extensions. Each entry contains the following information:

The name and telephone number of the agency clearance officer;

The office of the agency issuing this form;

The title of the form;

The agency form number, if applicable;

How often the form must be filled out;

Who will be required or asked to report;

An estimate of the number of forms that will be filled out;

An estimate of the total number of hours needed to fill out the form; and

The name and telephone number of the person or office responsible for OMB review.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. In addition, most repetitive reporting requirements or forms that require one half hour or less to complete and a total of 20,000 hours or less annually will be approved ten business days after this notice is published unless specific issues are raised; such forms are identified in the list by an asterisk(\*).

### COMMENTS AND QUESTIONS

Copies of the proposed forms may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. Comments and questions about the items on this list should be direct-

## NOTICES

ed to the OMB reviewer or office listed at the end of each entry.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Stanley E. Morris, Deputy Associate Director for Regulatory Policy and Reports Management, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503

### DEPARTMENT OF COMMERCE

(Agency clearance officer—Edward Michaels—377-4217.)

#### NEW FORMS

National Bureau of Standards.  
Questionnaire on Radiation Measurement Instrumentation and Calibration.

NBS-1112.

Single time.

Radiation instrument calibrators and manufacturers, 250 responses; 250 hours.

Caywood, D. P. 395-6140.

### DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

(Agency clearance officer—Peter Gness—245-7448.)

#### NEW FORMS

Office of the Secretary.  
Evaluation of SSI/SSDI Vocational Rehabilitation Program.

OS-6-79.

Single time.

Vocational rehabilitation clients receiving SSI or SSDI, 320 responses; 160 hours.

Reese, B. F., 395-6132.

#### REVISIONS

Office of the Secretary.  
Income Survey Development Program 1979 Research Panel.

OS-8-79.

Quarterly.

Household members in national probability sample, 78,959 responses; 27,636 hours.

Office of Federal Statistical Policy and Standard, 673-7974.

#### EXTENSIONS

Alcohol, Drug Abuse and Mental Health Administration, Division of Resource Development Product Utilization.

Survey.

Single time.

Drug Abuse personnel, 6,233 responses; 1,662 hours.

Richard Eisinger, 395-3214.

### DEPARTMENT OF JUSTICE

(Agency clearance officer—Donald E. Larue—376-8283.)

#### NEW FORMS

Law Enforcement Assistance Administration.

Assessment of Prosecutor's Management Information Systems.

LEAA 6600.

Single time.

Offices of State, county and municipal prosecutors, 698 responses; 525 hours.

Laverne V. Collins, 395-3214.

### DEPARTMENT OF LABOR

(Agency clearance officer—Philip M. Oliver—523-6341.)

#### REVISIONS

Employment Standards Administration.

Black Lung Information Update.

CM-1088, 1088A, 1088B, 1088C, and 1089.

On occasion.

Current and former coal mine claimants, 405,000 responses; 67,500 hours.

Strasser, A. 395-5080.

### DEPARTMENT OF STATE (EXC. AID)

(Agency clearance officer—Gail J. Cook—632-3538.)

#### EXTENSIONS

\*Statement Regarding Lost or Stolen Passports.

DSP 64.

On occasion.

Passport applicants, 70,000 responses; 7,000 hours.

Marsha Traynham, 395-6140.

### ENVIRONMENTAL PROTECTION AGENCY

(Agency clearance officer—John J. Stanton—245-3064.)

#### NEW FORMS

Data Verification Questionnaire.

Single time.

Pesticide registrants, 1,800 responses; 4,500 hours.

Clarke, Edward H., 395-5867.

### INTERNATIONAL COMMUNICATIONS AGENCY

(Agency clearance officer—Mary Jane Winnett—523-4308.)

#### REVISIONS

\*Application for Certificate of International Educational Character (Model).

IAP-15.

On occasion.

Visual and auditory materials, 200 responses; 50 hours.

Marsha Traynham, 395-6140.



## NATIONAL SCIENCE FOUNDATION

(Agency clearance officer—Herman Fleming—634-4070.)

## REVISIONS

\*Employment Inquiry.  
On occasion.  
Supervisors and references listed on SF-171, 400 responses; 40 hours.  
Laverne V. Collins, 395-3214.

## SMALL BUSINESS ADMINISTRATION

(Agency clearance officer—John Reidy—653-6081.)

## EXTENSIONS

Size Status Declaration.  
SBA 480.  
On occasion.  
Small businesses and small business investment companies.  
Caywood, D. P., 395-6140.  
Financial Statement of Debtor.  
SBA 770.  
On occasion.  
Small business borrowers, 4,000 responses; 4,000 hours.  
Caywood, D. P., 395-6140.

STANLEY E. MORRIS,  
*Deputy Associate Director for  
Regulatory Policy and Reports  
Management.*

[FR Doc. 79-5289 Filed 2-16-79; 8:45 am]

[6820-97-M]

PRESIDENTIAL COMMISSION ON  
WORLD HUNGER

DOMESTIC, AGRICULTURE POLICY, CONSUMER  
AND NUTRITION SUBCOMMITTEE ET AL

## Amended Notice; Change in Date of Meeting

Notice is hereby given of a change in date for the meeting for Domestic, Agriculture Policy, Consumer and Nutrition Subcommittee. This subcommittee was to have met on February 28, 1979 but will meet instead on March 8, 1979 at 9:30 a.m. in Room 5141A of the General Services Administration Building, 18th and E Streets, NW., Washington, D.C.

The International Policy Subcommittee will meet as scheduled on February 21, 1979. The time and location has been set for 9:30 a.m. at the United Nations Association, 340 E. 42nd Street, Eighth Floor, New York, New York.

The Public Participation and Communication Subcommittee meeting scheduled for February 26, 1979, has been cancelled.

DONALD B. HARPER,  
*Administrative Officer, Presi-  
dential Commission on World  
Hunger.*

[FR Doc. 79-5213 Filed 2-16-79; 8:45 am]

[8010-01-M]

SECURITIES AND EXCHANGE  
COMMISSION

[Release No. 20917; 70-6258]

## MONONGAHELA POWER CO.

Proposed Issuance and Sale of First Mortgage  
Bonds at Competitive Bidding

FEBRUARY 9, 1979.

Notice is hereby given that Monongahela Power Company ("Monongahela"), 1310 Fairmont Avenue, Fairmont, West Virginia 26554; an electric utility subsidiary company of Allegheny Power System, Inc., a registered holding company, has filed a declaration and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6 and 7 of the Act and Rule 50 promulgated thereunder as applicable to the following proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

Monongahela proposes to issue and sell up to \$45,000,000 aggregate principal amount of its first mortgage bonds in one or more series, each such series to have a single maturity of not less than 5 and not more than 30 years. It is now contemplated that such bonds will be sold pursuant to competitive bidding to be carried out in accordance with the requirements of Rule 50 under the Act and that the interest rate, which will be expressed in a multiple of  $\frac{1}{4}$  of 1 percent, and the price to be paid to Monongahela, which will not be less than 100 percent (unless Monongahela shall have authorized a lower percentage to be not less than 99 percent) and will not exceed 102 $\frac{1}{4}$  percent of the principal amount thereof, will be determined by such competitive bidding. Monongahela may request by amendment hereto that such sale be excepted from the competitive bidding requirements of Rule 50 should circumstances develop which, in the opinion of Monongahela's management, make competitive bidding impractical or undesirable.

The bonds will be issued under and secured by the Indenture dated as of August 1, 1945, between Monongahela and City Bank Farmers Trust Company (succeeded by Citibank, N.A.), as Trustee, as heretofore supplemented and amended and as to be further supplemented and amended by a Supplemental Indenture to be dated March 1, 1979.

Monongahela states that it is difficult to determine, under present bond market conditions, whether it would be more advantageous to Monongahela to sell bonds having a 30-year or some shorter term. Monongahela

states that it desires to have available the necessary flexibility to adjust its financial program to developments in the market for long-term debt securities when and as they occur in order to obtain the best possible price and interest rate for its bonds. Monongahela intends, therefore, to decide on the term and number of series of bonds at a later time, which may be before or after March 15, 1979, and notify prospective purchasing underwriters of its decision not less than 72 hours prior to the day the bonds are to be offered.

It is proposed that the bonds will be redeemable at any time at the option of Monongahela, except that prior to March 1, 1984, the bonds shall not be redeemable, directly or indirectly, at the regular redemption price, described in the Indenture, with, or in anticipation of, monies borrowed at an interest cost to Monongahela of less than the cost of money to Monongahela in respect of such bonds.

Monongahela intends to use the proceeds from the sale of the bonds, together with other funds of the company, to pay or prepay short-term debt, some of which was incurred for the payment at maturity of \$5,000,000 of 3 $\frac{1}{2}$  percent first mortgage bonds on February 1, 1979, and to finance its construction program. On January 15, 1979, \$35,000,000 of short-term debt was outstanding, and Monongahela expects that approximately \$38,000,000 will be outstanding at the time of issuance of the bonds. Monongahela's construction expenditures in 1978 amounted to \$91,200,000, and its construction program for 1979 and 1980 is now estimated to total between \$125,000,000 and \$148,800,000.

The fees and expenses to be incurred in connection with this transaction are to be filed by amendment. It is stated that the Public Utilities Commission of Ohio has jurisdiction over the issuance and sale of the bonds and that no other state or federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than March 7, 1979, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date,

the declaration, as amended or it may be further amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,  
Secretary.

[FR Doc. 79-5194 Filed 2-16-79; 8:45 am]

#### [4710-07-M]

### DEPARTMENT OF STATE

#### ADVISORY COMMITTEE ON INTERNATIONAL INVESTMENT, TECHNOLOGY, AND DEVELOPMENT

##### Meeting

The Department of State will hold a meeting on March 8 of the Working Group on Transborder Data Flows of the Advisory Committee on International Investment, Technology, and Development. The Working Group will meet from 9:30 a.m. until 12:30 p.m. The meeting will be held in Room 1107 of the State Department, 2201 C Street, NW., Washington, D.C. 20520. The meeting will be open to the public.

The purpose of the meeting will be to discuss the current drafts of the OECD guidelines on personal data flows. The meeting will serve to prepare the U.S. representatives for discussions at the forthcoming OECD meeting on these draft guidelines.

Requests for further information on the meeting should be directed to Richard Kauzlarich, Department of State, Office of Investment Affairs, Bureau of Economic and Business Affairs, Washington, D.C. 20520. He may be reached by telephone on (area code 202) 632-2728.

Members of the public wishing to attend the meeting must contact Mr. Kauzlarich's office in order to arrange entrance to the State Department building.

The Chairman of the working group, will as time permits, entertain oral comments from members of the public attending the meeting.

Dated: February 14, 1979.

RICHARD D. KAUZLARICH,  
Executive Secretary.

[FR Doc. 79-5192 Filed 2-16-79; 8:45 am]

#### [4810-31-M]

### DEPARTMENT OF THE TREASURY

#### Bureau of Alcohol, Tobacco, and Firearms

[Notice No. 79-11; Reference: ATF O 1100.1081]

#### AUTHORITY TO EXECUTE CONSENTS FIXING THE PERIOD OF LIMITATIONS ON ASSESSMENT OR COLLECTION OF TAX

##### Delegation Order

1. *Purpose.* This order delegates authority to the Assistant Director (Regulatory Enforcement) to sign consents fixing the period of limitations on assessment or collection of tax.

2. *Cancellation.* Delegation Order No. 30 (corrected), Authority to Execute Consents Fixing the Period of Limitations on Assessment or Collection Under Provisions of the Revenue Code of 1954, dated July 1, 1972, (37 FR 15177), is canceled.

3. *Delegation.* Pursuant to the authority vested in the Director, Bureau of Alcohol, Tobacco and Firearms, by Treasury Department Order No. 221, dated June 6, 1972, and by 26 CFR 301.6501(c)-1, 301.6502-1, and 301.7701-9, authority is hereby delegated to the Assistant Director (Regulatory Enforcement) to sign consents fixing the period of limitations on assessment or collection of tax under Chapters 51, 52, and 53, Title 26 of the United States Code.

4. *Redelegation.* The authority delegated herein may be redelegated to regional regulatory administrators. Regional regulatory administrators may redelegate this authority to regional Regulatory Enforcement personnel not lower than the position of chief, technical services.

*Effective date.* This order becomes effective on February 8, 1979.

Signed: February 8, 1979.

JOHN G. KROGMA,  
Acting Director.

[FR Doc. 79-5261 Filed 2-16-79; 8:45 am]

#### [4810-22-M]

#### Customs Service

[T.D. 79-60]

#### BICYCLE TIRES AND TUBES FROM TAIWAN

#### American Manufacturer's Desire To Contest Countervailing Duty Determination

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Notice of desire to contest determination made by the Secretary of the Treasury under 19 U.S.C. 1303.

SUMMARY: This notice is to advise the public that the Secretary of the Treasury has received notification of an American manufacturer's desire to contest the final negative countervailing duty determination with respect to bicycle tires and tubes from Taiwan.

EFFECTIVE DATE: February 20, 1979.

#### FOR FURTHER INFORMATION CONTACT:

R. Theodore Hume, Office of the Chief Counsel, U.S. Customs Service, 1301 Constitution Avenue, N.W., Washington, D.C. 20229 (202-566-5476).

#### SUPPLEMENTARY INFORMATION:

On January 8, 1979, a "Final Countervailing Duty Determination" was published in the FEDERAL REGISTER (44 FR 1815). In this notice it was announced that "it is hereby determined that benefits have been paid by the Government of the Republic of China on the manufacture/exportation of bicycle tires and tubes, but that the benefits involve an aggregate amount considered to be *de minimis* in size, and that therefore no bounty or grant is being paid or bestowed, directly or indirectly, within the meaning of section 303, Tariff Act of 1930, as amended (19 U.S.C. 1303) . . .".

Notification was received by the Secretary of the Treasury on January 10, 1979, that the Carlisle Tire and Rubber Company of Carlisle, Pennsylvania, an American manufacturer of the same class or kind of merchandise as that described in the above determination, desired to contest the determination.

In accordance with the provisions of section 516 of the Tariff Act of 1930, as amended by the Trade Act of 1974 (19 U.S.C. 1516), notice is hereby given that an American manufacturer has informed the Secretary that it desires to contest the determination with respect to bicycle tires and tubes from Taiwan.

G. R. DICKERSON,  
Acting Commissioner  
of Customs.

Approved: February 13, 1979.

ROBERT H. MUNDHEIM,  
General Counsel  
of the Treasury.

[FR Doc. 79-5238 Filed 2-16-79; 8:45 am]

[4810-22-M]

[T.D. 79-611]

**ANTIDUMPING—STEEL WIRE ROPE FROM  
REPUBLIC OF KOREA****American Manufacturer's Desire To Contest  
Fair Value Determination****AGENCY:** U.S. Customs Service, Department of the Treasury.**ACTION:** Notice of desire to contest a determination made by the Secretary of the Treasury under 19 U.S.C. 160.**SUMMARY:** This notice is to advise the public that the Secretary of the Treasury has received notification of an American manufacturer's desire to contest a determination made under the Antidumping Act of 1921, as amended, with respect to steel wire rope from the Republic of Korea.**EFFECTIVE DATE:** February 20, 1979.**FOR FURTHER INFORMATION  
CONTACT:**

R. Theodore Hume, Office of the Chief Counsel, U.S. Customs Service, 1301 Constitution Avenue, N.W., Washington, D.C. 20229 (202-566-5476).

**SUPPLEMENTARY INFORMATION:** On November 27, 1978 a "Determination of Sales at Not Less Than Fair Value" relating to steel wire rope from Korea was published in the *FEDERAL REGISTER* (43 FR 55306). This notice announced the determination that steel wire rope from Korea is not being, nor is likely to be, sold at less than fair value, within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 *et seq.*)

Notification was received by the Secretary of the Treasury on December 19, 1978, that the Broderick and Bascom Rope Company of St. Louis, Missouri, an American manufacturer of the same class or kind of merchandise as that described in the above determination, desired to contest the determination.

In accordance with the provisions of section 516 of the Tariff Act of 1930, as amended by the Trade Act of 1974 (19 U.S.C. 1516), notice is hereby given that an American manufacturer has informed the Secretary that it desires to contest the determination with respect to steel wire rope from Korea.

R. E. CHASEN,  
*Commissioner of Customs.*

Approved: February 12, 1979.

ROBERT H. MUNDHEIM,  
*General Counsel  
of the Treasury.*

[FR Doc. 79-5239 Filed 2-16-79; 8:45 am]

[4810-22-M]

**PAPERMAKING MACHINES AND PARTS  
THEREOF FROM FINLAND****Final Countervailing Duty Determination****AGENCY:** U.S. Customs Service, Treasury Department.**ACTION:** Final Countervailing Duty Determination.**SUMMARY:** This notice is to advise the public that a countervailing duty investigation has resulted in a final determination that the Government of Finland has not given benefits considered to be bounties or grants within the meaning of the Countervailing Duty Law on the manufacture, production or exportation of papermaking machines and parts thereof from Finland.**EFFECTIVE DATE:** February 20, 1979.**FOR FURTHER INFORMATION  
CONTACT:**

Mary S. Clapp, Duty Assessment Division, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229, telephone (202-566-5492).

**SUPPLEMENTARY INFORMATION:** On August 27, 1978, a "Preliminary Countervailing Duty Determination" was published in the *FEDERAL REGISTER* (43 FR 38657). That notice stated that a number of programs cited by the petitioner either have not been utilized or are not applicable to Finnish exporters/manufacturers of papermaking machines and parts thereof. Finnish exporters/manufacturers of this product therefore were preliminarily found not to have received benefits constituting the bestowal of bounties or grants within the meaning of section 303, Tariff Act of 1930, as amended (19 U.S.C. 1303) as a result of the existence of these programs.

Imports covered by this investigation are generally classifiable under items 668.0040 through 668.0700, Tariff Schedules of the United States (TSUS). In addition, certain parts covered by this investigation may be more properly classifiable under other tariff provisions by reason of General Headnote 10(i) of the TSUS.

The programs preliminarily found not to have been applicable to or utilized by Finnish exporters/manufacturers of papermaking machines and parts thereof, are as follows: (1) Export Inflation Insurance—Under the K-Guarantee program, insurance can be provided to manufacturers of exported items to reimburse the manufacturer for certain production cost increases due to domestic inflation

during the contract period; (2) Export financing provided by the Finnish Export Credit, Limited; (3) Tax deferrals provided under the Investment Reserve Fund; (4) Low cost government loans to defray certain expenses incurred in negotiating for the exportation of "projects"; and (5) A tax exemption for interest income derived through credits given by suppliers.

One program alleged by petitioner was preliminarily determined *prima facie* not to constitute the bestowal of a "bounty or grant". This program involved the rebate of the Finnish value-added tax on export. The Department of the Treasury has consistently held that the non-excessive rebate or remission of indirect taxes directly related to an exported product does not constitute a bounty or grant within the meaning of the countervailing duty law. This position was reaffirmed by the United States Supreme Court in its decision in the *Zenith* case. (*Zenith Radio Corp. v. United States*, 437 U.S. 443 (1978)). There is no evidence before the Department that the Finnish value-added tax rebates operate to confer bounties or grants by way of excessive rebate or remission on the exportation of papermaking machinery or parts thereof.

No information has been developed since the preliminary determination with respect to any of the other programs listed above which would warrant the alteration of the preliminary conclusions that the programs were not used by, or are not applicable to the Finnish papermaking machine producers.

Two additional programs were also considered and preliminarily determined on their face not to constitute the bestowal of a "bounty or grant" to the Finnish papermaking machinery industry.

The first program involved the creation of the TVW Paper Machine Oy by three Finnish papermaking machine manufacturers to carry out certain cooperative sales activities. The petition alleged this program to be a "bounty or grant" based on a belief that such cooperative activities were restricted to export sales, since similar cooperation among companies for domestic sales was thought to violate Finnish law. However, upon investigation it has been determined that the company operates in both the domestic and foreign markets. Further, the activities of the company actually result in additional selling costs, rather than reduce the costs otherwise incurred by companies selling papermaking machinery. The company's activities have therefore been determined not to constitute a bounty or grant for the purposes of this final determination.

The second program involved the state ownership of one Finnish producer of papermaking machinery and parts, Valmet Oy. Valmet Oy is a state-owned multiproduct corporation, which manufactures a number of capital items in addition to papermaking machinery. In the last ten years there have been increases in the Finnish Government's capitalization of Valmet Oy, some directed specifically to its papermaking machinery operation. The mere fact that a government contributes capital to and owns the stock of a commercial enterprise, however, is not *per se* a bounty or grant. Furthermore, there is no evidence to indicate that the equity position of the Government of Finland in Valmet Oy has in any way placed Valmet in a commercially more favorable position than private papermaking machine manufacturers. No capital has been invested to defray operating losses and no loans have ever been granted by the Finnish Government for papermaking machine operations. Therefore, it has been determined that the ownership of this firm by the Finnish Government, and the government's investments in it do not operate to confer a "bounty or grant" on that company.

Since the preliminary determination, a review has been conducted into any other possible element of preferential treatment or subsidization of Valmet Oy's papermaking machinery operation by virtue of its ownership by the Government of Finland. It has been determined that Valmet Oy has received benefits in the form of preferential interest rates on loans it has received from commercial banks when those loans were guaranteed by the Finnish Government. It was also determined that the aggregate amount of benefits received by Valmet Oy as a result of these preferential loans was 0.02 percent, an amount which is *clearly de minimis*.

Interested parties were invited to submit relevant data, views or arguments in writing with respect to the preliminary determination. On the basis of the information presented above, it is hereby determined that benefits have been paid by the Government of Finland on the manufacture/exportation of papermaking machinery and parts thereof but that the benefits are *de minimis*. Therefore no bounty or grant is being paid or bestowed, directly or indirectly, within the meaning of section 303 of the Tariff Act of 1930, as amended (19 U.S.C. 1303), upon the manufacture, production or exportation of papermaking machines and parts thereof from Finland.

This notice is published pursuant to section 303(a), Tariff Act of 1930, as amended (19 U.S.C. 1303(a)).

Pursuant to Reorganization Plan No. 26 of 1950 and Treasury Department Order 190 (Revision 15), March 16, 1978, the provisions of Treasury Department Order No. 165, Revised, November 2, 1954 and § 159.47 of the Customs Regulations (19 CFR 159.47), insofar as they pertain to the issuance of a final countervailing duty determination by the Commissioner of Customs, are hereby waived.

ROBERT H. MUNDHEIM,  
General Counsel  
of the Treasury.

FEBRUARY 12, 1979.

[FR Doc. 79-5259 Filed 2-16-79; 8:45 am]

[4810-25-M]

Office of the Secretary

#### CONDENSER PAPER FROM FINLAND

Antidumping; Withholding of Appraisal  
Notice

AGENCY: U.S. Treasury Department.

ACTION: Withholding of Appraisal.

SUMMARY: This notice is to advise the public that there are reasonable grounds to believe or suspect that there are sales of condenser paper from Finland to the United States at less than fair value within the meaning of the Antidumping Act, 1921. Sales at less than fair value generally occur when the price of merchandise sold for exportation to the United States is less than the price of such or similar merchandise sold in the home market or to third countries. Appraisal for the purpose of determining the proper duties applicable to entries of this merchandise will be suspended for 6 months. Interested persons are invited to comment on this action.

EFFECTIVE DATE: February 20, 1979.

FOR FURTHER INFORMATION  
CONTACT:

Holly A. Kuga, Duty Assessment Division, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202-566-5492).

SUPPLEMENTARY INFORMATION: On June 27, 1978, a petition in proper form was received pursuant to §§ 153.26 and 153.27, Customs Regulations (19 CFR 153.26, 153.27), from counsel on behalf of Crocker Technical Papers, Inc., Kimberly-Clark Corp., and the Stevens Paper Mill, Inc., the sole domestic producers of the subject merchandise, alleging that condenser paper from Finland is being, or is likely to be, sold at less than fair value within the meaning of the Antidumping Act of 1921, as amended (19 U.S.C. 160 *et seq.*) (referred to in this notice as the "Act"). On the basis of this in-

formation and subsequent preliminary investigation by the Customs Service, an "Antidumping Proceeding Notice" was published in the FEDERAL REGISTER of August 8, 1978 (43 FR 35137).

For purposes of this notice, the term "condenser paper" means capacitor tissue or condenser paper as provided for in item numbers 252.4000 and 256.3080 of the Tariff Schedules of the United States Annotated (TSUSA). These numbers are referenced for guidance purposes and are not intended to limit the scope of the investigation.

#### TENTATIVE DETERMINATION OF SALES AT LESS THAN FAIR VALUE

On the basis of the information developed in the Customs investigation and for the reasons noted below, pursuant to section 201(b) of the Act (19 U.S.C. 160(b)), I hereby determine that there are reasonable grounds to believe or suspect that the purchase price of condenser paper from Finland is less than the fair value, and thereby the foreign market value, of such or similar merchandise.

#### STATEMENT OF REASONS ON WHICH THIS DETERMINATION IS BASED

a. *Scope of the Investigation.* It appears that 100 percent of imports of condenser paper from Finland were sold for export to the United States by Tervakoski Oy ("TOY"). The investigation was therefore limited to sales by TOY.

b. *Basis of Comparison.* For the purposes of considering whether the merchandise in question is being, or is likely to be, sold at less than fair value within the meaning of the Act, the proper basis of comparison appears to be between the purchase price and sales for exportation to countries other than the United States of such or similar merchandise. Purchase price, as defined in section 203 of the Act (19 U.S.C. 162), was used since the sales to the United States on which this determination is based were made to unrelated customers.

Sales for exportation to Brazil were used for fair value purposes, in accordance with § 153.3, Customs Regulations (19 CFR 153.3), since less than 5 percent of such or similar merchandise sold to markets other than the United States was sold in the home market. This does not provide a sufficient basis for establishing fair value.

In accordance with § 153.31(b), Customs Regulations (19 CFR 153.31(b)), pricing information was sought concerning imports, sales to countries other than the United States and home market sales during the period February 1, 1978, through July 31, 1978.

c. *Purchase Price.* For purposes of this tentative determination of sales at

less than fair value, purchase price has been calculated on the basis of the delivered price in the United States. Deductions were made for Finnish inland freight, ocean freight and insurance, brokerage fees, duty, and U.S. inland freight.

d. *Sales for Exportation to Countries Other Than the United States.* For purposes of this tentative determination, the sales price for exportation to countries other than the United States has been calculated on the basis of the f.o.b. price to an unrelated purchaser in Brazil. Adjustments were made for differences in packing costs and commissions. A deduction was made for Finnish inland freight.

Claims were made by the manufacturer for adjustments under § 153.10, Customs Regulations (19 CFR 153.10), for differences in interest expenses between sales to the United States and sales to Brazil and for warehousing expenses incurred on sales to Brazil. Insufficient information was presented to justify making these adjustments.

TOY claimed an adjustment for differences in classes of purchaser. It is not clear if this adjustment is being claimed under § 153.15, Customs Regulations (19 CFR 153.15), as a level of trade difference or under some other provision in the Regulations. From the description of the differences between classes, it appears that the difference is based on quantities rather than class of purchaser. The information submitted thus far is not sufficient to provide a basis for making an adjustment of this nature.

A claim was made by TOY for an adjustment under § 153.11, Customs Regulations (19 CFR 153.11), for differences in merchandise. Since the manufacturer is unable to relate these differences to differences in the cost of manufacture, no adjustment has been made.

e. *Result of Fair Value Comparisons.* Using the above criteria, preliminary analysis suggests that purchase price is lower than the price for exportation to countries other than the United States. Comparisons were made on approximately 80 percent of the condenser paper sold for exportation to the United States during the period of investigation. Margins were found ranging from 8 to 34 percent for these sales. The weighted average margin over all sales compared was approximately 20 percent.

Accordingly, Customs officers are being directed to withhold appraisement of condenser paper from Finland in accordance with § 153.48, Customs Regulations (19 CFR 153.48).

In accordance with § 153.40, Customs Regulations (19 CFR 153.40), interested persons may present written views or arguments, or request in writing that the Secretary of the Treasury

afford an opportunity to present oral views.

Any request that the Secretary of the Treasury afford an opportunity to present oral views should be submitted to the Commissioner of Customs, 1301 Constitution Avenue, N.W., Washington, D.C. 20229, in time to be received by his office no later than March 7, 1979. Such requests must be accompanied by a statement outlining the issues to be discussed. These issues may be discussed in greater detail in a written brief.

All written views or arguments should likewise be submitted to the Commissioner of Customs in ten copies in time to be received in his office no later than March 22, 1979. All persons submitting views or arguments should avoid repetitious and merely cumulative material. Counsel for the petitioner and the respondent are also requested to serve all written submissions on all other counsel, including nonconfidential summaries or approximated presentations of all confidential information.

This notice, which is published pursuant to § 153.35(b), Customs Regulations (19 CFR 153.35(b)), shall become effective on February 20, 1979. It shall cease to be effective 6 months from the date of publication, unless previously revoked.

ROBERT H. MUNDHEILL  
General Counsel  
of the Treasury.

FEBRUARY 13, 1979.

[FR Doc. 79-5258 Filed 2-16-79; 8:45 am]

[4810-22-M]

#### CONDENSER PAPER FROM FRANCE

Antidumping: Withholding of Appraisement  
Notice

AGENCY: United States Treasury Department.

ACTION: Withholding of appraisement.

SUMMARY: This notice is to advise the public that an antidumping investigation has resulted in a tentative determination that condenser paper from France is being sold at less than fair value within the meaning of the Antidumping Act, 1921. Sales at less than fair value generally occur when the price of the merchandise sold for exportation to the United States is less than the price of such or similar merchandise sold in the home market or to third countries. Appraisement for the purpose of determining the proper duties applicable to entries of this merchandise will be suspended for

6 months. Interested persons are invited to comment on this action not later than March 22, 1979.

EFFECTIVE DATE: February 20, 1979

FOR FURTHER INFORMATION CONTACT:

David P. Mueller, Operations Officer, Duty Assessment Division, United States Customs Service, 1301 Constitution Avenue, N.W., Washington, D.C. 20229, telephone 202-566-5492.

SUPPLEMENTARY INFORMATION: On June 27, 1978, a petition was received in proper form pursuant to sections 153.26 and 153.27, Customs Regulations (19 CFR 153.26 and 153.27), from counsel acting on behalf of Crocker Technical Papers, Inc., Kimberly-Clark Corporation, and the Stevens Paper Mill, Inc., alleging that condenser paper from France is being, or is likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 *et seq.*) (referred to in this notice as "the Act").

On the basis of this information and subsequent preliminary investigation by the Customs Service an "Antidumping Proceeding Notice" was published in the FEDERAL REGISTER of August 8, 1978 (43 FR 35138).

For purposes of this notice the term "condenser paper" means capacitor tissue or condenser paper as provided for in item numbers 252.4000 and 256.3080 of the Tariff Schedules of the United States Annotated. These numbers are referenced for guidance purposes and are not intended to limit the scope of the investigation.

#### TENTATIVE DETERMINATION OF SALES AT LESS THAN FAIR VALUE

On the basis of information developed in the Customs investigation and for the reasons noted below, pursuant to section 201(b)(1) of the Act (19 U.S.C. 160(b)(1)), I hereby determine that there are reasonable grounds to believe or suspect that the exporter's sales price of condenser paper from France is less, or is likely to be less, than the fair value, and thereby the foreign market value, of such or similar merchandise.

#### STATEMENT OF REASONS ON WHICH THIS DETERMINATION IS BASED

a. *Scope of the Investigation.* It appears that virtually all imports of condenser paper from France were manufactured by Papeteries Bollore S.A. (hereinafter referred to as Bollore). Therefore, the investigation has been limited to this manufacturer.

b. *Basis of Comparison.* For the purpose of considering whether the merchandise in question is being, or is likely to be, sold at less than fair value



within the meaning of the Act, the proper basis of comparison appears to be between exporter's sales price and the price to third countries of such or similar merchandise. Exporter's sales price, as defined in section 204 of the Act (19 U.S.C. 163) was used since all sales made to the U.S. by Bollore were to a wholly owned subsidiary of the manufacturer. Third country price, as defined in § 153.3 of the Customs Regulations (19 CFR 153.3), was used for fair value comparison purposes as the best information available because the exporter refused to furnish information concerning home market price, as defined in § 153.2 of the Customs Regulations (19 CFR 153.2).

In accordance with § 153.31(b), Customs Regulations (19 CFR 153.31(b)), pricing information was obtained concerning sales to the United States during the 6 month period February 1, 1978 through July 31, 1978. The manufacturer was also requested to submit information concerning sales in France during the same 6 month period but declined.

c. *Exporter's Sales Price.* For the purposes of this tentative determination, the exporter's sales price has been calculated on the basis of prices to unrelated United States customers. Adjustments were made for United States duty, ocean freight, marine insurance, customs clearance charges, United States inland freight, and expenses incurred in selling the merchandise in the United States.

d. *Third Country Price.* For purposes of this tentative determination, the prices of condenser paper sold by Bollore to customers in Italy have been used as the basis for computing fair value. Information respecting the prices charged to Bollore's customers in Italy were obtained from the petition filed in June 27, 1978. No adjustments were made to these prices.

Bollore has claimed that prices in the home market should not be used as the basis of fair value since there are differences between the condenser paper sold in France and that sold to the United States. The differences relate principally to the respective densities of the paper involved. On the basis of information currently available it appears that the merchandise sold in France and that sold to the United States are sufficiently similar to permit comparison for purposes of the Act.

In lieu of furnishing the requested information concerning home market sales, Bollore furnished information concerning sales of condenser paper to Mexico which is claimed to be identical in physical characteristics with that sold to the United States. However, section 205 of the Act (19 U.S.C. 164) directs that in determining foreign market value the price at which

such or similar merchandise is sold in the principal markets of the country from which exported should be considered first. Only if no sales of such or similar merchandise are made in the home market or the quantities of such sales are deemed to be insufficient will foreign market value be based on export sales to third countries. Section 153.31(a) of the Customs Regulations (19 CFR 153.31(a)) states that if an adequate investigation is not permitted, or if any information deemed necessary is withheld, the Secretary will reach a determination on the basis of such information as is available to him. In this case, the information concerning home market sales of condenser paper in France is deemed to be necessary. In view of the refusal of the exporter to furnish this information, information concerning sales of condenser paper to Italy, as furnished by the petitioner, has been utilized in reaching this tentative determination.

e. *Results of Fair Value Comparisons.* Using the above criteria, preliminary analysis suggests that the exporter's sales price appears to be lower than the unadjusted third country price of such or similar merchandise. Comparisons were made on approximately 99 percent of the condenser paper sold in the United States by Bollore during the period of investigation. Margins were tentatively found ranging from 40.7 percent to 103.3 percent, on 100 percent of sales compared. The weighted average margin computed over all sales compared was 77.7 percent.

Accordingly, Customs officers are being directed to withhold appraisal of condenser paper from France in accordance with § 153.48, Customs Regulations (19 CFR 153.48).

In accordance with § 153.40, Customs Regulations (19 CFR 153.40), interested persons may present written views or arguments, or request in writing that the Secretary of the Treasury afford an opportunity to present oral views.

Any request that the Secretary of the Treasury afford an opportunity present oral views should be addressed to the Commissioner of Customs, 1301 Constitution Avenue NW, Washington, D.C. 20229, in time to be received by his office not later than March 2, 1979. Such requests must be accompanied by a statement outlining the issues to be discussed.

Any written views or arguments should likewise be addressed to the Commissioner of Customs in time to be received by his office not later than March 22, 1979. All persons submitting written views or arguments should avoid repetitious and merely cumulative material. Counsel for the petitioner and respondent are requested to serve all written submissions on all

other counsel and to file their submissions with the Commissioner of Customs in 10 copies.

This notice, which is published pursuant to § 153.35(b), Customs Regulations (19 CFR 153.35(b)), shall become effective on February 20, 1979. It shall cease to be effective at the expiration of 6 months from the date of this publication, unless previously revoked.

ROBERT H. MUNDHEIM,  
General Counsel  
of the Treasury.

FEBRUARY 9, 1979.

[FR Doc. 79-5257 Filed 2-16-79; 8:45 am]

[4810-40-M]

[Department Circular Public Debt Series—  
No. 4-79]

TREASURY NOTES OF FEBRUARY 28, 1981;  
SERIES Q-1981

FEBRUARY 14, 1979.

#### 1. INVITATION FOR TENDERS

1. 1. The Secretary of the Treasury, under the authority of the Second Liberty Bond Act, as amended, invites tenders for approximately \$2,480,000,000 of the United States securities, designated Treasury Notes of February 28, 1981, Series Q-1981 (CUSIP No. 912827 JL 7). The securities will be sold at auction with bidding on the basis of yield. Payment will be required at the price equivalent of the bid yield of each accepted tender. The interest rate on the securities and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of these securities may be issued to Government accounts and Federal Reserve Banks for their own account in exchange for maturing Treasury securities. Additional amounts of the new securities may also be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities, to the extent that the aggregate amount of tenders for such accounts exceeds the aggregate amount of maturing securities held by them.

#### 2. DESCRIPTION OF SECURITIES

2. 1. The securities will be dated February 28, 1979, and will bear interest from that date, payable on a semi-annual basis on August 31, 1979; February 29 and August 31, 1980; and February 28, 1981. They will mature February 28, 1981, and will not be subject to call for redemption prior to maturity.

2. 2. The income derived from the securities is subject to all taxes im-



posed under the Internal Revenue Code of 1954. The securities are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, any possession of the United States, or any local taxing authority.

2.3. The securities will be acceptable to secure deposits of public monies. They will not be acceptable in payment of taxes.

2.4. Bearer securities with interest coupons attached, and securities registered as to principal and interest, will be issued in denominations of \$5,000, \$10,000, \$100,000, and \$1,000,000. Book-entry securities will be available to eligible bidders in multiples of those amounts. Interchanges of securities of different denominations and of coupon, registered and book-entry securities, and the transfer of registered securities will be permitted.

2.5. The Department of the Treasury's general regulations governing United States securities apply to the securities offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

### 3. SALE PROCEDURES

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to 1:30 p.m., Eastern Standard time, Wednesday, February 21, 1979. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Tuesday, February 20, 1979.

3.2. Each tender must state the face amount of securities bid for. The minimum bid is \$5,000 and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.11%. Common fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield. No bidder may submit more than one noncompetitive tender and the amount may not exceed \$1,000,000.

3.3. All bidders must certify that they have not made and will not make any agreements for the sale or purchase of any securities of this issue prior to the deadline established in Section 3.1. for receipt of tenders. Those authorized to submit tenders for the account of customers will be required to certify that such tenders are submitted under the same conditions, agreements, and certifications as tenders submitted directly by bidders for their own account.

3.4. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions in and borrowings on such securities, may submit tenders for account of customers if the names of the customers and the amount for each customer are furnished. Others are only permitted to submit tenders for their own account.

3.5. Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by a deposit of 5% of the face amount of securities applied for (in the form of cash, maturing Treasury securities or readily collectible checks), or by a guarantee of such deposit by a commercial bank or a primary dealer.

3.6. Immediately after the closing hour, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, a coupon rate will be established, on the basis of a  $\frac{1}{4}$  of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 99.500. That rate of interest will be paid on all of the securities. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of

noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.7. Competitive bidders will be advised of the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will only be notified if the tender is not accepted in full, or when the price is over par.

### 4. RESERVATIONS

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it is in the public interest. The Secretary's action under this Section is final.

### 5. PAYMENT AND DELIVERY

5.1. Settlement for allotted securities must be made or completed on or before Wednesday, February 28, 1979, at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received at such institution no later than:

(a) Monday, February 26, 1979, if the check is drawn on a bank in the Federal Reserve District of the institution to which the check is submitted (the Fifth Federal Reserve District in case of the Bureau of the Public Debt), or

(b) Friday, February 23, 1979, if the check is drawn on a bank in another Federal Reserve District.

Checks received after the dates set forth in the preceding sentence will not be accepted unless they are payable at the applicable Federal Reserve Bank. Payment will not be considered complete where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made

in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5.2. In every case where full payment is not completed on time, the deposit submitted with the tender, up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered securities tendered as deposits and in payment for allotted securities are not required to be assigned if the new securities are to be registered in the same names and forms as appeared in the registrations or assignments of the securities surrendered. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered by this circular) in the name of (name and taxpayer identifying number)." If new securities in coupon form are desired, the assignment should be to "The Secretary of the Treasury for coupon (securities offered by this circular) to be delivered to (name and address)." Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The securities must be delivered at the expense and risk of the holder.

5.4. If bearer securities are not ready for delivery on the settlement date, purchasers may elect to receive interim certificates. These certificates shall be issued in bearer form and shall be exchangeable for definitive securities of this issue, when such securities are available, at any Federal Reserve Bank or Branch or at the Bureau of the Public Debt, Washington, D.C. 20226. The interim certificates must be returned at the risk and expense of the holder.

5.5. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established, and the securities have been inscribed.

#### 6. GENERAL PROVISIONS

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make allotments as directed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make

delivery of securities on full-paid allotments, and to issue interim certificates pending delivery of the definitive securities.

6.2. The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations governing the offering. Public announcement of such changes will be promptly provided.

#### SUPPLEMENTARY STATEMENT

The announcement set forth above does not meet the Department's criteria for significant regulations and, accordingly, may be published without compliance with the Departmental procedures applicable to such regulations.

PAUL H. TAYLOR,  
*Fiscal Assistant Secretary.*

[FR Doc. 79-5219 Filed 2-16-79; 8:45 am]

#### [8320-01-M]

#### VETERANS ADMINISTRATION

#### REPLACEMENT MEDICAL CENTER, BALTIMORE, MD.

#### Availability of Draft Environmental Impact Statement

Notice is hereby given that a document entitled "Draft Environmental Impact Statement for the Veterans Administration Replacement Medical Center, Baltimore, Maryland," dated February 1979, has been prepared as required by the National Environmental Policy Act of 1969.

The preferred location of the Medical Center is on a 2.8 acre block in downtown Baltimore near the University of Maryland Hospital. The Medical Center will have 400 hospital beds and the necessary outpatient and support functions. The facility will replace the outmoded Veterans Administration Medical Center at Fort Howard.

The Draft Statement discusses the environmental impact of the Replacement Medical Center for the preferred alternative and discussion of the other viable alternatives including "No Action". The document is being placed for public examination in the Veterans Administration office in Washington, D.C. Persons wishing to examine a copy of the document may do so at the following office: Mr. Willard Sitler, Director, Environmental Affairs Office (66), Room 950, Veterans Administration, 1425 K Street, N.W., Washington, DC 20420 (202-389-2526).

Single copies of the Draft Statement may be obtained on request to:

Director, Environmental Affairs Office (66), Veterans Administration, 810 Vermont Avenue, N.W., Washington, D.C. 20420.

Dated: February 13, 1979.

By direction of the Administrator.

MAURY S. CRALLE, Jr.,  
*Assistant Deputy Administrator  
for Financial Management  
and Construction.*

[FR Doc. 79-5207 Filed 2-16-79; 8:45 am]

#### [7035-01-M]

#### INTERSTATE COMMERCE COMMISSION

#### PERMANENT AUTHORITY APPLICATIONS

[Decisions Volume No. 11]

#### Decision-Notice

Decided: February 2, 1979.

The following applications are governed by Special Rule 247 of the Commission's *Rules of Practice* (49 CFR 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission on or before March 22, 1979. Failure to file a protest, within 30 days, will be considered as a waiver of opposition to the application. A protest under these rules should comply with Rule 247(e)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding, (as specifically noted below), and shall specify with particularity the facts, matters and things relied upon, but shall not include issues or allegations phrased generally. A protestant should include a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describe in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named. If the protest includes a request for oral hearing, such request shall meet the requirements of section 247(e)(4) of the special rules and shall include the certification required in that section.

Section 247(f) provides, in part, that an applicant which does not intend timely to prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

Further processing steps will be by Commission notice, decision, or letter

which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication.*

Any authority granted may reflect administratively acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

*We Find:* With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each common carrier applicant has demonstrated that its proposed service is required by the public convenience and necessity, and that each contract carrier applicant qualifies as a contract carrier and its proposed contract carrier service will be consistent with the public interest and the national transportation policy. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a protestant, that the proposed dual operations are consistent with the public interest and the national transportation policy subject to the right of the Commission, which is expressly reserved, to impose such conditions as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930 [formerly section 210 of the Interstate Commerce Act].

In the absence of legally sufficient protests, filed on or before March 22, 1979 (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, such duplication shall not be construed as conferring more than a single operating right.

Applicants must comply with all specific conditions set forth in the grant or grants of authority within 90 days after the service of the notification of the effectiveness of this decision-notice, or the application of a non-

complying applicant shall stand denied.

By the Commission, Review Board Number 2, Members Boyle, Eaton, and Liberman.

H. G. HOMME, Jr.,  
Secretary.

MC 1846 (Sub-13F), filed November 13, 1978. Applicant: W. D. KIBLER TRUCKING COMPANY, a corporation, 60 South State Avenue, Indianapolis, IN 46201. Representative: Donald W. Smith, P.O. Box 40659, Indianapolis, IN 46240. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *dry corn and soybean products*, (except commodities in bulk), from the facilities of A. E. Staley Manufacturing Co., at Decatur, IL, to Indianapolis, IN, under continuing contract(s) with A. E. Staley Manufacturing Co., of Decatur, IL. (Hearing site: Chicago, IL.)

MC 5227 (Sub-45F), filed November 20, 1978. Applicant: ECKLEY TRUCKING, INC., P.O. Box 201, Mead, NE 68041. Representative: Gailyn L. Larsen, 521 South 14th Street, P.O. Box 81849, Lincoln, NE 68501. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *agricultural machinery, and materials and supplies* used in the distribution and sale of agricultural machinery, (except commodities in bulk), from the facilities of Deweze Manufacturing, Inc., at or near Harper, KS, to points in the United States (except AK and HI); and (2) *materials and supplies* used in the manufacture, distribution, and sale of the commodities in (1) above, (except commodities in bulk), from points in the United States (except AK and HI) to the facilities of Deweze Manufacturing, Inc., at or near Harper, KS. (Hearing site: Wichita, KS, or Lincoln, NE.)

MC 11207 (Sub-462F), filed November 22, 1978. Applicant: DEATON, INC., a Delaware corporation, 317 Avenue W, P.O. Box 938, Birmingham, AL 35201. Representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Avenue, Washington, DC 20014. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *lumber, and wood products*, (1) between points in AL, AR, GA, LA, MS, NC, OK, SC, TN, and TX, and (2) between points in the states named in (1) above, on the one hand, and, on the other, points in FL, IA, IL, IN, KS, KY, MD, MI, MN, MO, NE, NY, OH, PA, VA, WI, and WV. (Hearing site: Birmingham, AL, or Washington, DC.)

MC 15975 (Sub-12F), filed December 20, 1978. Applicant: BUSKE LINES, INC., 123 W. Tyler Avenue, Litchfield,

IL 62056. Representative: Howard Buske (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *containers, container ends, and container closures*, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, (except commodities in bulk), between points in the United States (except AK and HI). (Hearing site: St. Louis, MI, or Springfield, IL.)

NOTE.—Dual operations are involved.

MC 18121 (Sub-22F), filed November 20, 1978. Applicant: ADVANCE TRANSPORTATION COMPANY, a corporation, P.O. Box 719, Milwaukee, WI 53201. Representative: Michael J. Wyngaard, 150 East Gilman Street, Madison, WI 53703. To operate as a *common carrier*, by motor vehicle in interstate or foreign commerce, over regular routes, transporting *general commodities* (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Chicago and Effingham, IL, over U.S. Hwy 45, (2) between Chicago and Oliver, IL, over IL Hwy 1, (3) between Chicago and Springfield, IL, over Interstate Hwy 55, (4) between Chicago and Troy Grove, IL, from Chicago, over Interstate Hwy 94 to junction U.S. Hwy 6, then over U.S. Hwy 6 to junction U.S. Hwy 52 at or near Joliet, IL, then over U.S. Hwy 52 to Troy Grove, and return over the same route, (5) between Chicago and Harvel, IL, from Chicago over U.S. Hwy 45 to junction IL Hwy 54 at or near Onarga, IL, then over IL Hwy 54 to junction IL Hwy 48, then over IL Hwy 48 to Harvel, and return over the same route, (6) between Chicago and Eureka, IL, from Chicago, over Interstate Hwy 55 to junction U.S. Hwy 24 at or near Chenoa, IL, then over U.S. Hwy 24 to Eureka, and return over the same route, (7) between Lincoln and Mattoon, IL, over IL Hwy 121, (8) between Bloomington and Danville, IL, over U.S. Hwy 150, (9) between New Berlin and Scotland, IL, over U.S. Hwy 36, (10) between Mason City and Paris, IL, from Mason City over IL Hwy 10 to junction IL Hwy 29, then over IL Hwy 29 to junction IL Hwy 16 near Pana, IL, then over IL Hwy 16 to Paris, and return over the same route, (11) between Rochelle and Centralia, IL, over U.S. Hwy 51, (12) between Bloomington and Cheneyville, IL, over IL Hwy 9, (13) between Chenoa and Sheldon, IL, over U.S. Hwy 24, (14) between Chicago and Mendota, IL, over U.S. Hwy 34, (15) between Joliet and LaSalle, IL, over U.S. Hwy 6, (16) between Mendota and Peru, IL, from

Mendota over U.S. Hwy 34 to U.S. Hwy 51, then over U.S. Hwy 51 to Peru, and return over the same route, (17) between Kansas and L'Erable, IL, from Kansas over IL Hwy 49 to junction U.S. Hwy 52 near L'Erable, then over U.S. Hwy 52 to L'Erable, and return over the same route, (18) between McLean and Danville, IL, over U.S. Hwy 136, (19) between Sherburnville and Wenona, IL, over IL Hwy 17, (20) between Benson and Iroquois, IL, from Benson over IL Hwy 116 to junction U.S. Hwy 52, then over U.S. Hwy 52 to Iroquois, and return over the same route, (21) between Yorkville and Decatur, IL, over IL Hwy 47, (22) between Pana and Effingham, IL, from Pana over IL Hwy 16 to junction IL Hwy 128, then over IL Hwy 128 to junction IL Hwy 33, then over IL Hwy 33 to Effingham, and return over the same route, (23) between Effingham, IL, and junction Interstate Hwy 64 and Interstate Hwy 57 near Mt. Vernon, IL, from Effingham, over U.S. Hwy 40 to junction Interstate Hwy 57 near Effingham, then over Interstate Hwy 57 to junction Interstate Hwy 64 near Mt. Vernon, and return over the same route, (24) between Vandalia, IL, and junction Interstate Hwy 70 and Interstate Hwy 57 near Effingham, IL, from Vandalia over U.S. Hwy 51 to junction Interstate Hwy 70 near Vandalia, then over Interstate Hwy 70 to junction Interstate Hwy 57 near Effingham, and return over the same route, and (25) between Sandoval and Salem, IL, over U.S. Hwy 50; serving all intermediate points in routes (1) through (25) and serving in connection with those routes, all points in Champaign, Christian, Coles, DeWitt, Douglas, Edgar, Effingham, Fayette, Ford, Grundy, Iroquois, Jefferson, Kankakee, Kendall, LaSalle, Livingston, Logan, Macon, Marion, McLean, Menard, Moultrie, Piatt, Sangamon, Shelby, Vermillion, Will, and Woodford Counties, IL, as off-route points. (Hearing site: Milwaukee, WI, or Chicago, IL.)

MC 20916 (Sub-34F), filed November 14, 1978. Applicant: JOHN T. SISK, Rt. 2, Box 182-B, Culpeper, VA 22701. Representative: Frank B. Hand, Jr., P.O. Drawer C, Berryville, VA 22611. To operate as a *common carrier*, by motor vehicle in interstate or foreign commerce, over irregular routes, transporting *precast concrete and precast concrete products*, from point in DE, GA, FL, IN, KY, MD, NJ, NY, NC, OH, PA, SC, WV, and DC, to Midland, VA. (Hearing site: Richmond, VA, or Washington, DC.)

NOTE.—Dual operations may be involved.

MC 31389 (Sub-266F), filed January 5, 1979. Applicant: McLEAN TRUCKING COMPANY, a Corporation P.O. Box 213, Winston-Salem, NC 27102.

Representative: David F. Eshelman (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Brownsville and Victoria, TX, over U.S. Hwy 77, (2) between Corpus Christi and San Antonio, TX, from Corpus Christi over TX Hwy 358 to junction Interstate Hwy 37, then over Interstate Hwy 37 to junction TX Hwy 9, then over TX Hwy 9 to junction U.S. Hwy 281, then over U.S. Hwy 281 to San Antonio, and return over the same route, (3) between Corpus Christi and Houston, TX, from Corpus Christi over U.S. Hwy 181 to junction TX Hwy 361, then over TX Hwy 361 to junction TX Hwy 35, then over TX Hwy 35 to Houston, and return over the same route, (4) between Corpus Christi and Sinton, TX, over U.S. Hwy 181, (5) between Victoria and Houston, TX, over U.S. Hwy 59, (6) between Victoria and Waco, TX, over U.S. Hwy 77, (7) between Brownsville and McAllen, TX, from Brownsville over U.S. Hwy 281 to junction TX Hwy 336, then over TX Hwy 336 to McAllen, and return over the same route, (8) between junction U.S. Hwys 281 and 83, near McAllen, TX, and junction TX Hwy 9 and U.S. Hwy 281, near Three Rivers, TX, over U.S. Hwy 281, (9) between Harlingen and Laredo, TX, over U.S. Hwy 83, (10) between Laredo and Victoria, TX, over U.S. Hwy 59, (11) between Laredo and Waco, TX, over U.S. Hwy 81, (12) between Waco and Dallas, TX, from Waco over Interstate Hwy 35 to junction Interstate Hwy 35E, then over Interstate Hwy 35E to Dallas, and return over the same route, (13) between junction Interstate Hwy 35 and U.S. Hwy 77, and Dallas, TX, over U.S. Hwy 77, (14) between San Antonio and Del Rio, TX, over U.S. Hwy 90, (15) between junction Interstate Hwy 35 and U.S. Hwy 83, and Del Rio, TX, from junction Interstate Hwy 35 and U.S. Hwy 83 over U.S. Hwy 83 to junction U.S. Hwy 277, at Carrizo Springs, then over U.S. Hwy 277 to Del Rio, and return over the same route, serving all intermediate points in routes (1) through (15) above, and serving those points in TX on and south of a line beginning at the TX-LA State line and extending along Interstate Hwy 10 to junction U.S. Hwy 90, then along U.S. Hwy 90 to the international boundary line between the United States and the Republic of Mexico near Del Rio, TX, as off-route points in connection with the above-described routes, (16) between Dallas, TX and Little Rock, AR, over Interstate Hwy

30, serving no intermediate points and serving Malvern, AR, for the purpose of joinder only, (17) between junction Interstate Hwys 35E and 35W at or near Hillsboro, TX, and junction Interstate Hwys 35E and 35W near Denton, TX, over Interstate Hwy 35W, serving Fort Worth, TX, as an intermediate point, (18) between Dallas, TX, and St. Louis, MO, from Dallas over U.S. Hwy 75 to junction U.S. Hwy 69 at or near Atoka, OK, then over U.S. Hwy 69 to junction Interstate Hwy 44, then over Interstate Hwy 44 to St. Louis, MO and return over the same route, serving McAlester, OK as an intermediate point and serving the junction of U.S. Hwys 75 and 69 for the purpose of joinder only, (19) between junction U.S. Hwys 75 and 69, near Atoka, OK, and Kansas City, MO, from junction U.S. Hwys 75 and 69, over U.S. Hwy 75 to junction Interstate Hwy 44, then over Interstate Hwy 44 to junction U.S. Hwy 169, then over U.S. Hwy 169 to Kansas City, and return over the same route, serving the intermediate point of Tulsa, OK, (20) between Oklahoma City, OK, and Little Rock, AR, over Interstate Hwy 40, serving the intermediate points of Henryetta and Checotah, OK for purposes of joinder only, (21) between junction Interstate Hwy 40 and U.S. Hwy 270, and junction U.S. Hwy 270 and Interstate Hwy 30, near Malvern, AR, over U.S. Hwy 270, serving the intermediate points of McAlester, OK and Hot Springs, AR, and serving junction of U.S. Hwy 270 and Interstate Hwy 30, near Malvern, for purposes of joinder only, (22) between Dallas and Denton, TX, over Interstate Hwy 35E, serving no intermediate points, (23) between junction Interstate Hwys 35E and 35W at or near Denton, TX, and Oklahoma City, OK, over Interstate Hwy 35, serving no intermediate points, (24) between Oklahoma City, OK, and Kansas City, MO, over Interstate Hwy 35, serving the intermediate point of Wichita, KS, and serving Topeka, KS, as an off-route point, (25) between Oklahoma City, OK, and junction Interstate Hwy 44 and U.S. Hwy 69, over Interstate Hwy 44, serving Tulsa, OK, as an intermediate point, (26) between Tulsa, OK, and junction of the Muskogee Turnpike and Interstate Hwy 40, over the Muskogee Turnpike, serving no intermediate points and serving the junction of the Muskogee Turnpike and Interstate Hwy 44 for purposes of joinder only, (27) between Little Rock, AR, and Kansas City, MO, from Little Rock over U.S. Hwy 65 to Springfield, MO, then over Interstate Hwy 44 to junction MO Hwy 13, then over MO Hwy 13 to junction MO Hwy 7, then over MO Hwy 7 to junction U.S. Hwy 71, then over U.S. Hwy 71 to Kansas City, and return over the same route, serv-

ing no intermediate points, and (28) between Kansas City, MO and Minneapolis, MN, over Interstate Hwy 35, serving no intermediate points. (Hearing site: Dallas, TX.)

MC 31389 (Sub-268F), filed January 5, 1979. Applicant: McLEAN TRUCKING COMPANY, a Corporation, P.O. Box 213, Winston-Salem, NC 27102. Representative: David F. Eshelman (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Grand Junction and Middleton, TN, as off-route points in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Memphis, TN, or Washington, DC.)

MC 42011 (Sub-42F), filed June 17, 1978, (REPUBLICATION) previously noticed in the FEDERAL REGISTER of August 22, 1978. Applicant: D. Q. WISE & CO., INC., P.O. Box 15125, Tulsa, OK 74115. Representative: James W. Hightower, 136 Wynnewood Professional Bldg., Dallas, TX 75224. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *clay pipe, plastic pipe, and fittings; filters; and pollution equipment*, from the facilities of Can Tex Industries, at or near Mineral Wells, TX, to points in the United States (except AL, AK, FL, GA, SC, and HI). (Hearing site: Dallas, TX.)

NOTE.—This republication clarifies the commodity description.

MC 47583 (Sub-78F), filed December 14, 1978. Applicant: TOLLIE FREIGHTWAYS, INC., 1020 Sunshine Road, Kansas City, KS 66115. Representative: D. S. Hulst, P.O. Box 225, Lawrence, KS 66044. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *insulation products and materials*, and *flexible air ducts*, (except commodities in bulk), and (2) *materials, equipment, and supplies* used in the manufacture of the commodities named in (1) above, (except commodities in bulk), between the facilities of CertainTeed Products corporation at or near Chowchilla, CA, on the one hand, and, on the other, point in the United States (except AK, CA, and HI). (Hearing site: Kansas City, MO.)

MC 51146 (Sub-663F), filed November 21, 1978. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Representative: Neil A. DuJardin (same address as ap-

plicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), from Holyoke, MA, to points in IL, restricted to the transportation of traffic moving on bills of lading of freight forwarders under Title 49, Subtitle IV, U.S. Code. (Hearing site: Chicago, IL.)

MC 59263 (Sub-5F), filed December 14, 1978. Applicant: HILL'S TRUCK LINE, INC., 2300 Wilco Blvd., Wilson, NC 27893. Representative: Robert B. Einhorn, 3220 P.S.F.S. Building, 12 South 12th Street, Philadelphia, PA 19107. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *gypsum, building materials, and materials, equipment, and supplies* used in the manufacture, installation, and distribution of gypsum and building materials, (except commodities in bulk, in tank vehicles), (1) between the facilities of Georgia-Pacific Corporation, at or near Quakertown, PA, on the one hand, and, on the other, points in DE, GA, MD, NC, SC, TN, VA, WV, NJ, NY, and DC, and (2) between the facilities of Georgia-Pacific Corporation, at or near Wilmington, DE, on the one hand, and, on the other, points in MD, NC, PA, SC, TN, VA, WV, NJ, NY, and DC. (Hearing site: Washington, DC, or Philadelphia, PA.)

MC 63387 (Sub-8F), filed November 17, 1978. Applicant: STANLEY STANLEY, d.b.a. ACME EXPRESS, 607 Frelinghuysen Ave., Newark, NJ 07114. Representative: Thomas F. X. Foley, State Highway 34, Colts Neck, NJ 07722. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *steel bars*, and (2) *materials and supplies* used in the manufacture of steel bars, between the facilities of Wyckoff Steel Division of Ampco-Pittsburgh Corporation, at Newark, NJ, on the one hand, and, on the other, points in CT, MD, NY, and PA. (Hearing site: Newark, NJ, or New York, NY.)

MC 63417 (Sub-182F), filed November 17, 1978. Applicant: BLUE RIDGE TRANSFER COMPANY, INC., P.O. Box 13447, Roanoke, VA 24034. Representative: William E. Bain, (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *iron cans, steel cans, and can ends*, from Plymouth, IN, to Atlanta, GA. (Hearing site: Roanoke, VA, or Winston-Salem, NC.)

MC 71296 (Sub-2F), filed November 14, 1978. Applicant: FORT TRANSPORTATION & SERVICE CO., INC., 1600 Janesville Avenue, Fort Atkinson, WI 53538. Representative: Michael J. Wyngaard, 150 East Gilman Street, Madison, WI 53703. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Stoughton, WI, and Rockford, IL, over U.S. Hwy 51, serving no intermediate points; (2) between Alblon, WI, and Rockford, IL; from Alblon over Interstate Hwy 90 to junction U.S. Hwy 20, then over U.S. Hwy 20 to Rockford, and return over the same route, serving no intermediate points; and (3) between Fort Atkinson and Janesville, WI, over WI Hwy 26, serving no intermediate points; restricted in (1), (2), and (3) above to the transportation of traffic received from or delivered to connecting carriers at Rockford, IL. (Hearing site: Milwaukee, WI, or Chicago, IL.)

MC 93186 (Sub-5F), filed November 14, 1978. Applicant: EUDELL WATTS, III, WATTS TRANSFER COMPANY, 825 First Avenue, Rock Island, IL 61201. Representative: Daniel C. Sullivan, 10 South LaSalle Street, Suite 1600, Chicago, IL 60603. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in by distributors of warehouse and factory storage systems, between points in MI, MN, IN, IA, IL, WI, and NE, under continuing contract(s) with Storage Systems, Inc., of Davenport, IA. (Hearing site: Chicago, IL.)

MC 96607 (Sub-12F), filed November 17, 1978. Applicant: RUCKER BROTHERS TRUCKING, INC., 1820 Stewart Street East, Tacoma, WA 98421. Representative: Michael D. Duppenhaler, 211 South Washington Street, Seattle, WA 98104. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *precut and prefabricated buildings*, between points in WA, OR, ID, and MT. (Hearing site: Seattle, WA.)

MC 98952 (Sub-60F), filed December 22, 1978. Applicant: GENERAL TRANSFER COMPANY, a Corporation, 2880 North Woodford Street, Decatur, IL 62526. Representative: Paul E. Steinhour, 918 East Capitol Avenue, Springfield, IL 62701. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *confectionery* (except in bulk), in vehicles



equipped with mechanical refrigeration equipment, from the facilities of E. J. Brach and Sons, at or near Chicago, IL, to points in MO, restricted to the transportation of traffic originating at the named origin facilities and destined to the indicated destinations. (Hearing site: Springfield or Chicago, IL.)

MC 99938 (Sub-6F), filed January 10, 1979. Applicant: VAN'S AUTO & AIR EXPRESS, INC., C.P.O. Box 609, Kingston, NY 12401. Representative: Bruce J. Robbins, 118-21 Queens Blvd., Forest Hills, NY 11375. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Stewart Airport, at or near Newburgh, NY, and New York, NY, restricted to the transportation of traffic having a prior or subsequent movement by air. Condition: Issuance of a certificate of public convenience and necessity is subject to either (a) the coincidental cancellation, at applicant's written request, of the outstanding certificates of registration in MC-99938 (Sub-Nos. 1, 2, and 3), or (b) the successful conversion of those certificates of registration to certificates of public convenience and necessity via appropriate applications. (Hearing site: New York, NY.)

MC 103051 (Sub-464F), filed November 28, 1978. Applicant: FLEET TRANSPORT COMPANY, INC., a GA Corporation, 934-44th Avenue, N. Nashville, TN 37209. Representative: Russell E. Stone, P.O. Box 90408, Nashville, TN 37209. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *liquid sodium aluminate*, in bulk, in tank vehicles, from Kings Creek, SC, to Reigelwood, NC; and (2) *caustic soda*, in bulk, in tank vehicles, from Acme, NC, to Kings Creek, SC. (Hearing site: Nashville, TN, or Atlanta, GA.)

NOTE.—Dual operations may be involved.

MC 103051 (Sub-465F), filed December 4, 1978. Applicant: FLEET TRANSPORT COMPANY, INC., a GA Corporation, 934-44th Avenue, N. Nashville, TN 37209. Representative: Russell E. Stone, P.O. Box 90408, Nashville, TN 37209. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *choline chloride*, in bulk, in tank vehicles, from Bowersville, GA, to points in AL, AR, FL, GA, LA, MD, MS, NC, SC, TN, TX, and VA. (Hearing site: Nashville, TN, or Atlanta, GA.)

NOTE.—Dual operations may be involved.

MC 103993 (Sub-946F), filed December 15, 1978. Applicant: MORGAN DRIVE-AWAY, INC., 28651 U.S. 20 West, Elkhart, IN 46515. Representative: James B. Buda (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *iron and steel articles*, from the facilities of Merco Manufacturing, Inc., at Dallas, TX, to points in MO, IL, OK, KS, TN, KY, LA, AL, MS, GA, FL, AR, and TX. (Hearing site: Dallas, TX.)

MC 104421 (Sub-28F), filed November 24, 1978. Applicant: ECONOLINES, INC., a KS Corporation, P.O. Box 623 D.T.S. Omaha, NE 68101. Representative: Roger W. Norris (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate, or foreign commerce, over irregular routes, transporting *general commodities* (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, foodstuffs, hides, agricultural equipment, contractors' equipment, and lumber), between points in Burt County, NE, on the one hand, and, on the other, points in AR, ID, MS, TN, and WY. (Hearing site: Lincoln, NE.)

MC 107295 (Sub-902F), filed January 2, 1979. Applicant: PRE-FAB TRAN-SIT CO., a corporation, P.O. Box 146, Farmer City, IL 61842. Representative: Mack Stephenson, 42 Fox Mill Lane, Springfield, IL 62707. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *equipment, materials, and supplies* used in the manufacture and distribution of the building materials listed in appendix VI to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, and (2) *wallboard, hardboard, insulation, padding and cushioning materials, mulch, firewood, and nonwoven fabrics*, from points in AL, AR, FL, GA, IL, IN, KS, LA, MI, MS, MO, NE, NC, OH, OK, SC, TN, TX, and WI, to the facilities of Conwed Corporation, at Cloquet, MN. (Hearing site: Minneapolis, MN.)

MC 107295 (Sub-903F), filed January 2, 1979. Applicant: PRE-FAB TRAN-SIT CO., a corporation, P.O. Box 146, Farmer City, IL 61842. Representative: Mack Stephenson, 42 Fox Mill Lane, Springfield, IL 62707. To operate as a *common carrier*, by motor vehicles, in interstate or foreign commerce, over irregular routes, transporting *iron and steel articles*, from the plant site of Wheeling-Pittsburgh Steel Corporation, at (a) Canfield, Martins Ferry, Mingo Junction, Steubenville, and Yorkville, OH, (b) Benwood, Beechbot-

tom, Wheeling, and Follansbee, WV, and (c) Allenport and Monessen, PA, to points in AR, AL, IL, IA, IN, KS, KY, LA, MI, MN, MS, MO, NE, OK, TN, and TX. (Hearing site: Washington, DC.)

MC 108053 (Sub-156F), filed December 13, 1978. Applicant: LITTLE AUDREY'S TRANSPORTATION CO., INC., P.O. Box 129, Fremont, NE 68025. Representative: Arnold L. Burke, 180 N. La Salle Street, Chicago, IL 60601. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *alcoholic liquors and wines*, in packages, (1) from Lawrenceburg, IN, Louisville, KY, and Detroit, MI, to points in CA, (2) from Lawrenceburg, IN, and Louisville, KY, to Sioux Falls and Rapid City, SD, Bismarck and Fargo, ND, Minneapolis, Hibbing, and Long Prairie, MN, and Superior, WI, (3) from Baltimore, MD, to Fargo, ND, Minneapolis and Long Prairie, MN, and (4) from Detroit, MI, to Fargo, ND, Hibbing, Minneapolis, and Long Prairie, MN. (Hearing site: New York, NY.)

MC 108053 (Sub-157F), filed December 13, 1978. Applicant: LITTLE AUDREY'S TRANSPORTATION CO., INC., P.O. Box 129, Fremont, NE 68025. Representative: Arnold L. Burke, 180 N. La Salle Street, Chicago, IL 60601. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs*, in vehicles equipped with mechanical refrigeration (except commodities in bulk), from Suffolk, VA, to points in IL and OH. (Hearing site: New York, NY.)

MC 108341 (Sub-126F), filed November 28, 1978. Applicant: MOSS TRUCKING COMPANY, INC., 3027 N. Tryon St., P.O. Box 26125, Charlotte, NC 28213. Representative: Jack F. Counts (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *transformers, circuit breakers, controllers, and switches*, and (2) *equipment, materials, and supplies* used in the manufacture, installation, utilization, and distribution of the commodities named in (1) above (except commodities in bulk), between the facilities of McGraw Edison Company, Power System Division, at or near Cannonsburg, PA, on the one hand, and, on the other, points in VA, NC, SC, GA, and FL. (Hearing site: Pittsburgh, PA, or Washington, DC.)

MC 108341 (Sub-127F), filed November 28, 1978. Applicant: MOSS TRUCKING COMPANY, INC., 3027 N. Tryon St., P.O. Box 26125, Charlotte, NC 28213. Representative: Jack F. Counts (same address as applicant).



To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *air cleaning equipment, heating equipment, cooling equipment, humidifying equipment, air moving equipment, and dehumidifying equipment*, and (2) *parts, accessories, and attachments* for the commodities named in (1) above, from the facilities of Aeronca, Inc., at or near Charlotte, NC, to those points in the United States in and east of MN, IA, MO, AR, and TX. (Hearing site: Charlotte, NC, or Washington, DC.)

MC 108341 (Sub-129F), filed November 30, 1978. Applicant: MOSS TRUCKING COMPANY, INC., 3027 N. Tryon St., P.O. Box 26125, Charlotte, NC 28213. Representative: Jack F. Counts (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *iron and steel articles*, from the facilities of Weirton Steel, Division of National Steel Corporation, at or near (a) Weirton, WV, and (b) Steubenville, OH, to points in VA, NC, SC, GA, and FL. (Hearing site: Pittsburgh, PA, or Washington, DC.)

MC 108380 (Sub-95F) (partial republication), filed June 16, 1978, previously noticed in the FEDERAL REGISTER issue of October 19, 1978. Applicant: JOHNSTON'S FUEL LINERS, INC., Box 100, Newcastle, WY 82701. Representative: Truman A. Stockton, Jr., The 1650 Grant Street Bldg., Denver, CO 80203. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (A) *petroleum and petroleum products*, in bulk, (2) from points in WY, to Pocatello, ID, Salt Lake City, UT, Cowdrey, CO, and points within (10) miles of Cowdrey, points in NE, SD, ND, and those in MT on and east of a line beginning at the WY-MT State line, and extending along Interstate Hwy 90 to junction U.S. Hwy 287, then along U.S. Hwy 287 to junction U.S. Hwy 89, at or near Chateau, MT, and then along U.S. Hwy 89 to the international boundary line between the United States and Canada; (3) from points in MT on and east of a line beginning at the WY-MT State line and extending along Interstate Hwy 90 to junction U.S. Hwy 287, then along U.S. Hwy 287 to junction U.S. Hwy 89, at or near Chateau, MT, and then along U.S. Hwy 89 to the international boundary line between the United States and Canada, to points in NE, ND, SD, WY, Pocatello, ID, Salt Lake City, UT, Cowdrey, CO, and points within (10) miles of Cowdrey, and points in that part of CO on and east of a line beginning at the WY-CO State line and extending along Interstate Hwy 25 to Denver,

CO, then along U.S. Hwy 285 to the CO-NM State line; (B) *dry petroleum based urea, petroleum based urea solutions, and petroleum based ammonium nitrate solutions*, (1) from points in MT on and east of a line beginning at the international boundary line between the United States and Canada and extending along MT Hwy 241 to junction U.S. Hwy 2, then along U.S. Hwy 2 to junction MT Hwy 376, then along MT Hwy 376 to junction U.S. Hwy 191, then along U.S. Hwy 191 to junction MT Hwy 19, then along MT Hwy 19 to junction U.S. Hwy 87, then along U.S. Hwy 87 to junction Interstate Hwy 90, then along Interstate Hwy 90 to junction U.S. Hwy 310, and then along U.S. Hwy 310 to the MT-WY State line, to points in AZ, CO, ID, KS, MT, NE, NM, ND, OK, SD, TX, UT, and WY. (Hearing site: Denver, CO, or Cheyenne, WY.)

NOTE.—This partial republication (a) in (A)(2), adds in the territorial description: "and points within (10) miles of Cowdrey" (b) in (A)(3), changes U.S. Hwy 289 to U.S. Hwy 89, changes the spelling of Chateau, MT, to Choteau, MT, and adds "and points within (10) miles of Cowdrey," (c) in (B), adds *petroleum based ammonium nitrate solutions* to the commodity description, and (d) in (B)(1), adds in the territorial description: "MT Hwy 376, then along MT Hwy 376 to".

MC 108676 (Sub-135F), filed November 16, 1978. Applicant: A. J. METTLER HAULING & RIGGING, INC., 117 Chicamauga Ave., Knoxville, TN 37917. Representative: Louis J. Amato, P. O. Box E, Bowling Green, KY 42101. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *central air conditioning units and heating units*, and (2) *components, parts, and accessories* for the commodities named in (1) above, between points in Davidson County, TN, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Nashville, TN.)

MC 109397 (Sub-431F), filed November 10, 1978. Applicant: TRI-STATE MOTOR TRANSIT CO., a Delaware Corporation, P.O. Box 113, Joplin, MO 64801. Representative: A. N. Jacobs (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *iron and steel articles, steel pole substation structures, and parts* for steel pole substation structures, from the facilities of Power Enterprises, Inc., Power Structures Division, at or near Belle Chasse, LA, to points in the United States (except AK and HI). (Hearing site: New Orleans, LA, or Kansas City, MO.)

MC 111231 (Sub-253F), filed November 29, 1978. Applicant: JONES

TRUCK LINES, INC., 610 East Emma Ave., Springdale, AR 72764. Representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Ave., Washington, DC 20014. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Springfield, MO and Omaha, NE: from Springfield over MO Hwy 13 to Richmond, MO, then over MO Hwy 10 to junction MO Hwy 92, then over MO Hwy 92 to junction Interstate Hwy 29, then over Interstate Hwy 29 to Omaha, and return over the same route, serving no intermediate points but serving the junction of Interstate Hwy 29 and IA Hwy 2 for purposes of joinder only, and (2) between junction Interstate Hwy 29 and IA Hwy 2, and Omaha, NE: from junction Interstate Hwy 29 and IA Hwy 2 over IA Hwy 2 to the IA-NE State line, then over NE Hwy 2 to junction U. S. Hwy 75, then over U.S. Hwy 75 to Omaha, and return over the same route, serving no intermediate points. CONDITION: Issuance of a certificate is subject to the prior submission of a verified statement by applicant stating further specific details of applicant's existing authority (including specific sub-Nos.) and how the applicant can presently perform the above operations. (Hearing site: Little Rock, AR, or Washington, DC.)

NOTE.—Applicant states that the above authority may presently be performed over a combination of existing regular and irregular routes tacking at a point in Nebraska. Applicant further stated the purpose of this application is to provide regular-route service. It proposes to support the application by evidence of fast traffic and efficiencies, and economies.

MC 113106 (Sub-66F), filed November 14, 1978. Applicant: THE BLUE DIAMOND COMPANY, a corporation, 4401 East Fairmount Avenue, Baltimore, MD 21224. Representative: Chester A. Zyblut, 366 Executive Building, 1030 Fifteenth Street, NW, Washington, DC 20005. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in by manufacturers of glass and glass products, (except commodities in bulk), from points in Clearfield, Jefferson, and Washington Counties, PA, to points in VA, NC, SC, and GA. (Hearing site: Washington, DC.)

MC 113666 (Sub-141F), filed November 14, 1978. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Road, Freeport, PA 16229. Representative: D. R. Smetanick (same address as

applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *modular panels, basketball backboards, and crib bottoms*, and (2) *materials and supplies* used in the manufacture of the commodities in (1) above, between Frankfort, IN, on the one hand, and, on the other, points in AL, AR, CA, GA, IL, IA, IN, KY, LA, MI, MN, MO, NY, OH, PA, SC, TN, TX, VA, and WI. (Hearing site: Pittsburgh, PA, or Washington, DC.)

MC 113678 (Sub-765F), filed January 3, 1979. Applicant: CURTIS, INC., a Delaware corporation, 4810 Pontiac Street, Commerce City, CO 80022. Representative: Roger M. Shaner (same address as applicant). To operate as a *common carrier*, by motor vehicle in interstate or foreign commerce, over irregular routes, transporting *confectionery products* (except commodities in bulk), in vehicles equipped with mechanical refrigeration, and *advertising materials*, from the facilities of Queen Anne Candy Co., at or near Hammond, IN, to points in CT, DE, ME, MD, MA, NH, NJ, NY, PA, RI, VA, VT, WV, and DC. (Hearing site: Chicago, IL.)

NOTE.—In view of the findings in No. MC 113678 (Sub-No. 557) of which official notice is taken, the certificate to be issued in this proceeding will be limited to a period expiring 3 years from its effective date unless, prior to its expiration (but not less than 6 months prior to its expiration) applicant files a petition for the extension of said certificate and demonstrates that it has been conducting operations in full compliance with the terms and conditions of its certificate and with the requirements of Title 49, Subtitle IV, U.S. Code, and applicable Commission regulations.

MC 113678 (Sub-766F), filed January 3, 1979. Applicant: CURTIS, INC., a Delaware corporation, 4810 Pontiac Street, Commerce City, CO 80022. Representative: Roger M. Shaner (same address as applicant). To operate as a *common carrier*, by motor vehicle in interstate or foreign commerce, over irregular routes, transporting *glassware and accessories* for glassware, from Dunkirk, IN, to points in CA, OR, UT, and WA. (Hearing site: Indianapolis, IN.)

NOTE.—In view of the findings in No. MC 113678 (Sub-No. 557) of which official notice is taken, the certificate to be issued in this proceeding will be limited to a period expiring 3 years from its effective date unless, prior to its expiration (but not less than 6 months prior to its expiration) applicant files a petition for the extension of said certificate and demonstrates that it has been conducting operations in full compliance with the terms and conditions of its certificate and with the requirements of Title 49, Subtitle IV, U.S. Code, and applicable Commission regulations.

MC 113678 (Sub-767F), filed January 3, 1979. Applicant: CURTIS, INC., a Delaware corporation, 4810 Pontiac Street, Commerce City, CO 80022. Representative: Roger M. Shaner (same address as applicant). To operate as a *common carrier*, by motor vehicle in interstate or foreign commerce, over irregular routes, transporting *frozen foods, and materials and supplies* used in the manufacture and distribution of frozen foods, (except commodities in bulk), between the facilities of The Pillsbury Company, at or near Murfreesboro and Nashville, TN, on the one hand, and, on the other, those points in the United States in and west of MN, IA, MO, AR, and LA (except AK and HI). (Hearing site: Minneapolis, MN.)

NOTE.—In view of the findings in No. MC 113678 (Sub-No. 557) of which official notice is taken, the certificate to be issued in this proceeding will be limited to a period expiring 3 years from its effective date unless, prior to its expiration (but not less than 6 months prior to its expiration) applicant files a petition for the extension of said certificate and demonstrates that it has been conducting operations in full compliance with the terms and conditions of its certificate and with the requirements of Title 49, Subtitle IV, U.S. Code, and applicable Commission regulations.

MC 113678 (Sub-773F), filed January 3, 1979. Applicant: CURTIS, INC., a Delaware corporation, 4810 Pontiac Street, Commerce City, CO 80022. Representative: Roger M. Shaner (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in or used by food business houses (except commodities in bulk), in vehicles equipped with mechanical refrigeration, from the facilities of Arthur Treacher's Fish & Chips, Inc., at Columbus, OH, to points in AZ, CA, CO, ID, OR, SD, UT, and WA, restricted to the transportation of traffic originating at the named origin facilities and destined to the indicated destinations. (Hearing site: Columbus, OH.)

NOTE.—In view of the findings in No. MC 113678 (Sub-No. 557) of which official notice is taken, the certificate to be issued in this proceeding will be limited to a period expiring 3 years from its effective date unless, prior to its expiration (but not less than 6 months prior to its expiration) applicant files a petition for the extension of said certificate and demonstrates that it has been conducting operations in full compliance with the terms and conditions of its certificate and with the requirements of Title 49, Subtitle IV, U.S. Code, and applicable Commission regulations.

MC 114632 (Sub-191F), filed December 20, 1978. Applicant: APPLE LINES, INC., P.O. Box 287, Madison, SD 57042. Representative: David E. Peterson (same address as applicant).

To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *electrical transformers, and materials and supplies* used in the restoration of electrical transformers, between Madison, SD, on the one hand, and, on the other, points in the United States (except AK, HI, and SD). (Hearing site: Sioux Falls, SD, or Minneapolis, MN.)

NOTE.—Dual operations are involved.

MC 115162 (Sub-440F), filed October 30, 1978. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, AL 36401. Representative: Robert E. Tate (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *paper and paper products*, from Cantonment, FL, to points in AL, CT, DE, FL, GA, KS, ME, MD, MA, MN, NE, NH, NJ, NC, ND, OK, RI, SC, TN, VT, VA, and DC, those in MS on and south of U.S. Hwy 80, the Upper Peninsula of MI, MO (except St. Louis), and Baton Rouge and Lake Charles, LA, and points within 15 miles of Baton Rouge and Lake Charles, LA, and (2) *materials and supplies* used in the manufacture and distribution of the commodities in (1) above, (except commodities in bulk, in tank vehicles), from points in the United States in and east of ND, SD, NE, KS, OK, and TX, to Cantonment, FL. (Hearing site: Pensacola, FL, or Mobile, AL.)

MC 115703 (Sub-13F), filed December 18, 1978. Applicant: KREITZ MOTOR EXPRESS, INC., P.O. Box 375, 220 Park Road North, Wyomissing, PA 19610. Representative: Robert D. Gunderman, Suite 710 Statler Building, Buffalo, NY 14202. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *commodities* the transportation of which, because of size or weight, require the use of special equipment or special handling, and (2) *general commodities* (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), in mixed shipments with the commodities named in (1) above, between points in Guilford County, NC, on the one hand, and, on the other, points in AL, CT, DE, FL, GA, IL, IN, KY, LA, ME, MD, MA, MI, MS, NH, NJ, NY, NC, OH, PA, RI, SC, TN, TX, VT, VA, WV, WI, and DC. (Hearing site: Greensboro or Charlotte, NC.)

MC 115904 (Sub-130F), filed October 6, 1978, previously noticed in the FEDERAL REGISTER issue of December 19, 1978. Applicant: GROVER TRUCKING CO., a corporation, 1710 West

Broadway, Idaho Falls, ID 83401. Representative: Irene Warr, 430 Judge Building, Salt Lake City, UT 84111. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *masonry articles*, and (2) *materials, equipment, and supplies* used in the manufacture, distribution, or installation of masonry articles, between points in ID, MT, and UT, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Salt Lake City, UT.)

NOTE.—This republication adds ID to the base territory.

MC 116273 (Sub-219F), filed December 8, 1978. Applicant: D & L TRANSPORT, INC., 3800 South Laramie Avenue, Cicero, IL 60650. Representative: William R. Lavery (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *gasoline*, in bulk, in tank vehicles, from River Rouge, MI, to Portland, OR. (Hearing site: Chicago, IL.)

MC 116763 (Sub-460F), filed November 28, 1978. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, OH 45380. Representative: H. M. Richters (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *paper articles and pulpboard articles*, from the facilities of Sumter Industries, Inc., at or near Livingston, AL, to those points in the United States in and east of MN, IA, MO, OK, and TX. (Hearing site: Memphis, TN.)

MC 117574 (Sub-319F), filed August 29, 1978, previously noticed in the FEDERAL REGISTER issue of December 7, 1978. Applicant: Daily Express, Inc., P.O. Box 39, Carlisle, PA 17013. Representative: James W. Hagar, P.O. Box 1166, 100 Pine Street, Harrisburg, PA 17108. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *tractors*, (2) *trucks designed for off-highway use*, in truckway service, and (3) *parts and accessories* for the commodities named in (1) and (2) above, between points in IA, IL, IN, KS, MI, MN, MO, ND, SD, NE, and WI. (Hearing site: Chicago, IL.)

NOTE.—This republication adds IA to the territory description.

MC 117786 (Sub-37F), filed November 15, 1978. Applicant: RILEY WHITTE, INC., P.O. Box 19038, Phoenix, AZ 85005. Representative: A. Michael Bernstein, 1441 E. Thomas Road, Phoenix, AZ 85014. To operate as a *common carrier*, by motor vehicle, in

interstate or foreign commerce, over irregular routes, transporting *precast concrete panels*, from Hamilton, OH, to points in AZ, CA, CO, FL, ID, IA, NM, NV, OK, OR, TN, TX, UT, and WA. (Hearing site: Phoenix, AZ.)

MC 118142 (Sub-202F), filed December 18, 1978. Applicant: M. BRUENGER & CO., INC., 6250 North Broadway, Wichita, KS 67219. Representative: Brad T. Murphree, 814 Century Plaza Building, Wichita, KS 67202. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meats, meat products and meat byproducts, and articles distributed by meat-packing houses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except hides and commodities in bulk), from the facilities of Hyplains Dressed Beef, Inc., at or near Dodge City, KS, to points in the United States (except AK, HI, and KS), restricted to the transportation of traffic originating at the named origin facilities and destined to the indicated destinations. (Hearing site: Wichita, KS, or Kansas City, MO.)

NOTE.—Dual operations are involved.

MC 118142 (Sub-203F), filed December 22, 1978. Applicant: M. BRUENGER & CO., INC., 6250 North Broadway, Wichita, KS 67219. Representative: Brad T. Murphree, 814 Century Plaza Building, Wichita, KS 67202. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs* (except commodities in bulk in tank vehicles), in vehicles equipped with mechanical refrigeration, from the facilities of M & M Mars, Division of Mars, Inc., at or near Cleveland, TN, to points in AZ, CA, CO, ID, IA, KS, LA, MO, NE, NV, NM, OR, UT, and WA, restricted to the transportation of traffic originating at the named origin facilities and destined to the indicated destinations. (Hearing site: Kansas City, MO, or Wichita, KS.)

NOTE.—Dual operations are involved.

MC 118142 (Sub-204F), filed December 22, 1978. Applicant: M. BRUENGER & CO., INC., 6250 North Broadway, Wichita, KS 67219. Representative: Brad T. Murphree, 814 Century Plaza Building, Wichita, KS 67202. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *confectionery*, in vehicles equipped with mechanical refrigeration, from the facilities of M & M Mars, Division of Mars, Inc., at (a) Elizabeth and Hackettstown, NJ, and (b) Elizabethtown, PA, to points in TN, AL, MS, LA, AR, MO, KS, IA, NE,

MN, TX, and OK, restricted to the transportation of traffic originating at the named origin facilities and destined to the indicated destinations. (Hearing site: Kansas City, MO, or Wichita, KS.)

NOTE.—Dual operations are involved.

MC 118263 (Sub-76F), filed December 18, 1978. Applicant: COLDWAY CARRIERS, INC., P.O. Box 2038, Clarksville, IN 47130. Representative: William P. Whitney, Jr., 708 McClure Building, Frankfort, KY 40601. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs*, in vehicles equipped with mechanical refrigeration, (except commodities in bulk), from the facilities of Pet Incorporated, at Frankfort, Hart, and Benton Harbor, MI, to points in IN, OH, KY, and TN, restricted to the transportation of traffic originating at the named origin facilities or destined to the indicated destinations. (Hearing site: St. Louis, MO, or Louisville, KY.)

MC 119493 (Sub-249F), filed December 18, 1978. Applicant: MONKEM COMPANY, INC., P.O. Box 1196, Joplin, MO 64801. Representative: Lawrence F. Kloeppel (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *canned goods*, from the facilities of Allen Canning Co., at or near (a) Springdale and Lowell, AR, and (b) Westville, OK, to points in AL, AR, GA, IA, IL, KS, LA, MO, MS, NE, ND, OK, SD, TN, and TX. (Hearing site: Joplin, MO, or Little Rock, AR.)

MC 119726 (Sub-148F), filed November 14, 1978. Applicant: N.A.B. TRUCKING CO., INC., 1644 West Edgewood Avenue Indianapolis, IN 46217. Representative: James L. Beaty, 130 East Washington Street, Suite One Thousand, Indianapolis, IN 46204. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities as are manufactured or used by a manufacturer of medical care products*, (except commodities in bulk), from the facilities of Baxter/Travenol Laboratories, at or near Round Lake, IL, to Shelby and Cleveland, MS. (Hearing site: Chicago, IL, or Indianapolis, IN.)

MC 119741 (Sub-125F), filed December 4, 1978. Applicant: GREEN FIELD TRANSPORT COMPANY, INC., An IL Corporation, 1515 Third Ave., NW, P.O. Box 1235, Fort Dodge, IA 50501. Representative: D.L. Robson (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *paper*,

paper products, and printed matter, from the facilities of Scott Paper Company, at (a) Philadelphia, PA, (b) Columbus, OH, and (c) Fort Edward and Albany, NY, to points in IL, IN, IA, KS, MN, MO, NE, OH, and WI, restricted to the transportation of traffic originating at the named origin facilities and destined to the indicated destinations. (Hearing site: Columbus, OH, or Philadelphia, PA.)

MC 121107 (Sub-19F), filed November 17, 1978. Applicant: PITT COUNTY TRANSPORTATION COMPANY, INC., P.O. Box 207, Farmville, NC 27828. Representative: Harry J. Jordan, 1000 16th Street, NW, Washington, DC 20036. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are used in the manufacture, distribution, sale, and storage of tobacco, (except commodities in bulk, in tank vehicles), and (2) *unmanufactured tobacco*, when moving in mixed loads with the commodities in (1) above, between points in FL, GA, KY, MD, NC, OH, SC, TN, VA, and WV. (Hearing site: Raleigh, NC, or Washington, DC.)

MC 121496 (Sub-14F), filed November 16, 1978. Applicant: CANGO CORPORATION, Suite 2900, 1100 Milam Bldg., Houston, TX 77002. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., N.W., Washington, DC 20001. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *diethylene glycol, dipropylene glycol, and recovered glycols*, in bulk, in tank vehicles, from Tallulah, LA, to points in the United States (except AK, HI, and points in the St. Louis, MO-East St. Louis, IL, commercial zone). (Hearing site: Chicago, IL.)

MC 123744 (Sub-45F), filed September 27, 1978, previously noticed in the FEDERAL REGISTER issue of December 19, 1978. Applicant: BUTLER TRUCKING COMPANY, A CORPORATION, P.O. Box 88, Woodland, PA 16881. Representative: Christian V. Graf, 407 North Front Street, Harrisburg, PA 17101. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, transporting *materials* used in the manufacture of refractories, (except commodities in bulk, in tank vehicles), from Gary, IN, to Curwensville, Mt. Union, Winburne, Snow Shoe, and Womelsdorf, PA, and Farber, MO, restricted to the transportation of traffic originating at the named origin and destined to the named destinations. (Hearing site: Washington, DC.)

NOTE.—Dual operations may be involved in this proceeding. This republication adds Snow Shoe, PA, as a destination point.

MC 124306 (Sub-51F), filed November 14, 1978. Applicant: KENAN TRANSPORT COMPANY, INCORPORATED, P.O. Box 2729, Chapel Hill, NC 27514. Representative: Richard A. Mehley, 1000 16th St., N.W., Washington, DC 20036. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *petroleum products*, in bulk, in tank vehicles, from Manassas, VA, to points in MD and DC. (Hearing site: Washington, DC.)

MC 124692 (Sub-255F), filed December 19, 1978. Applicant: SAMMONS TRUCKING, a Corporation, P.O. Box 4347, Missoula, MT 59806. Representative: J. David Douglas (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *railway car parts*, from Fort Worth and Longview, TX, to Portland, OR. (Hearing site: Portland, OR.)

MC 124692 (Sub-257F), filed December 19, 1978. Applicant: SAMMONS TRUCKING, a Corporation, P.O. Box 4347, Missoula, MT 59806. Representative: J. David Douglas (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *iron and steel articles*, from Houston, TX, to points in AZ, AR, CA, CO, ID, IL, IN, IA, KS, KY, LA, MN, MO, MT, NE, NV, NM, ND, OH, OK, OR, SD, UT, WA, WI, and WY. (Hearing site: Houston, TX.)

MC 125433 (Sub-184F), filed December 13, 1978. Applicant: F-B TRUCK LINE COMPANY, a corporation, 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *air pollution control equipment, systems, and supplies*, and (2) *parts* for the commodities named in (1) above, from the facilities of Industrial Clean Air at or near (a) Paramount and Eureka, CA, (b) Tempe, AZ, and (c) Grove City, OH, to points in the United States (except AK and HI), restricted to the transportation of traffic originating at the named origin facilities. (Hearing site: San Francisco, CA, or Salt Lake City, UT.)

MC 125433 (Sub-185F), filed December 13, 1978. Applicant: F-B TRUCK LINE COMPANY, a corporation, 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *doors, door parts, and door components*, and (2) *equipment, mate-*

*rials, and supplies* used in the manufacture and distribution of doors, from the facilities of West Coast Door Manufacturing, at or near Denver, CO, to points in NE, KS, MO, IA, WY, MT, SD, ID, UT, NM, IL, WI, MN, ND, WA, TX, CA, AZ, and NV. (Hearing site: Denver, CO, or Salt Lake City, UT.)

MC 126118 (Sub-121F), filed January 10, 1979. Applicant: CRETE CARRIER CORPORATION, P.O. Box 81228, Lincoln, NE 68501. Representative: Duane W. Ackle, P.O. Box 81228, Lincoln, NE 68501. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in or used by manufacturers of pet food, between Mattoon, IL, Columbus, OH, Terre Haute and Indianapolis, IN, Sherburne, NY, Hutchinson, KS, Ogden, UT, and Los Angeles, CA, on the one hand, and, on the other, points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the indicated points. (Hearing site: Los Angeles, CA, or Lincoln, NE.)

NOTE.—Dual operations are involved in this proceeding.

MC 126196 (Sub-15F), filed November 14, 1978. Applicant: BLACHOWSKE TRUCK LINE, INC., R. 1, Fairmont, MN 56031. Representative: Gene P. Johnson, P.O. Box 2471, Fargo, ND 58108. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *coal*, (a) from points in MT, ND, and WY, to points in IA, MN, and SD, and (b) from points in MN to points in IA. (Hearing site: Minneapolis, MN.)

MC 127187 (Sub-46F), filed November 20, 1978. Applicant: FLOYD DUENOW, INC., 1728 Industrial Park Blvd., Fergus Falls, MN 56537. Representative: James B. Hovland, 414 Gate City Bldg., P.O. Box 1680, Fargo, ND 58102. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *agricultural chemicals*, between Sioux Falls, SD, on the one hand, and, on the other, points in MT and ND. (Hearing site: Fargo, ND.)

MC 127811 (Sub-17F), filed November 28, 1978. Applicant: BRYNWOOD TRANSFER, INC., 175-8th Ave., SW, New Brighton, MN 55112. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *power transmission equipment*, and (2) *materials, equipment, and supplies* used in the installation and repair of power transmission equipment, be-

tween points in MN, WI, ND, and SD. (Hearing site: St. Paul, MN.)

MC 133377 (Sub-14F), filed November 15, 1978. Applicant: COMMERCIAL SERVICES, INC., 114 Memorial Road, Strom Lake, IA 50588. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309. To operate as a *common carrier*, by motor vehicle in interstate or foreign commerce, over irregular routes, transporting *meats, meat products and meat byproducts, and articles distributed by meat-packing houses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766, (except hides and commodities in bulk), and *foodstuffs*, (1) between the facilities of Geo. A. Hormel & Co., at Albert Lea, Austin, Minneapolis, and Owatonna, MN, on the one hand, and, on the other points in IA and NE, and (2) from points in NE, to Algona, Davenport, Des Moines, and Ft. Dodge, IA. (Hearing site: Minneapolis, MN, or Omaha, NE.)

MC 133689 (Sub-250F), filed January 12, 1979. Applicant: OVERLAND EXPRESS, INC., 719 First St. SW, New Brighton, MN 55112. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. To operate as a *common carrier*, by motor vehicle in interstate or foreign commerce, over irregular routes, transporting (1) *wearing apparel and accessories for wearing apparel* and (2) *materials, equipment, and supplies* used in the sale and distribution of the commodities in (1) above, from Minneapolis, MN, to those points in the United States in and east of ND, SD, NE, KS, OK, AR, and LA. (Hearing site: St. Paul, MN.)

MC 133689 (Sub-251F), filed January 12, 1979. Applicant: OVERLAND EXPRESS, INC., 719 First St. SW, New Brighton, MN 55112. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. To operate as a *common carrier*, by motor vehicle in interstate or foreign commerce, over irregular routes, transporting *sugar* (except in bulk), from points in Kings County, NY, to points in IL, IN, MI, and OH, restricted to the transportation of traffic originating at the indicated origins and destined to the indicated destinations. (Hearing site: St. Paul, MN.)

MC 133689 (Sub-252F), filed January 12, 1979. Applicant: OVERLAND EXPRESS, INC., 719 First St. SW, New Brighton, MN 55112. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs* (except in bulk), from the facilities of the J. M. Smucker Company, at or near Orrville and Medina, OH, to

points in MN, ND, and SD, restricted to the transportation of traffic originating at the named origin facilities and destined to the indicated destinations. (Hearing site: St. Paul, MN.)

MC 134182 (Sub-34F), filed December 20, 1978. Applicant: ALLIED TRANSPORTATION SERVICES, INC., P.O. Box 7424, Shawnee Mission, KS 66207. Representative: Tom B. Kretsinger, 20 East Franklin, Liberty, MO 64068. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meats, meat products and meat byproducts, and articles distributed by meat-packing houses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except hides and commodities in bulk), from the facilities of MBPXL Corporation, at or near Dodge City, KS, to points in AL, CA, CT, DE, FL, GA, IL, IN, KY, LA, MA, MD, ME, MI, MS, NH, NJ, NY, NC, OH, OR, PA, RI, SC, TN, TX, VT, VA, WA, WV, WI, and DC, restricted to the transportation of traffic originating at the named origin facilities. (Hearing site: Wichita, KS, or Kansas City, MO.)

MC 134286 (Sub-89F), filed November 20, 1978. Applicant: ILLINI EXPRESS, INC., a Nebraska corporation, P.O. Box 1564, Sioux City, IA 51102. Representative: Charles J. Kimball, 350 Capitol Life Center, 1600 Sherman Street, Denver, CO 80203. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs* (except in bulk), from the facilities of Campbell Soup Company, at or near Napoleon, OH, to points in IL (except Chicago and points in its commercial zone), IA, KS, MN, MO, NE, and WI. (Hearing site: Sioux City, IA, or Denver, CO.)

MC 134477 (Sub-28F), filed November 15, 1978. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, MN 55118. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *foodstuffs*, (except commodities in bulk), and (2) *materials and supplies* used in the manufacture of foodstuffs, (except commodities in bulk), between the facilities of Saluto Foods, Inc., at or near Benton Harbor, MI, on the one hand, and, on the other, points in CO, CT, DE, IL, IN, IA, KS, ME, MD, MA, MN, MO, NE, NH, NJ, NY, ND, OH, PA, RI, SD, VT, VA, WV, WI, and DC. (Hearing site: St. Paul, MN.)

MC 134599 (Sub-169F), filed January 15, 1979. Applicant: INTERSTATE

CONTRACT CARRIER CORP., a Delaware Corporation, P.O. Box 30303, Salt Lake City, UT 84125. Representative: Richard A. Peterson, P.O. Box 81849, Lincoln, NE 68501. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *crated office furniture and office furniture parts* from the facilities of Steelcase, Inc., at Grand Rapids, MI, to points in CT (except Milford), DE, KY, MD (except Baltimore), MA, NJ (except North Bergen), NY, OR (except Portland), PA, RI, WA, and DC, and (2) *materials, equipment and supplies* used in the manufacture of office equipment, (except commodities in bulk), from points in AL, AZ, CO, CT, DE, FL, GA, ID, IA, KS, KY, LA, MD, MA, MS, NE, NV, NH, NJ, NM, NY, ND, ME, MT, OK, OR, PA, RI, SD, TN, TX, UT, VT, VA, WA, WV, WY, and DC, to the facilities of Steelcase, Inc., at Grand Rapids, MI, under continuing contract(s) in (1) and (2) above, with Steelcase, Inc., of Grand Rapids, MI. (Hearing site: Lincoln, NE, or Salt Lake City, UT.)

NOTE.—Dual operations are involved in this proceeding.

MC 135152 (Sub-29F), filed December 21, 1978. Applicant: CASKET DISTRIBUTORS, INC., Rural Route No. 2, P.O. Box No. 327, West Harrison, IN 45030. Representative: Jack B. Josselson 700 Atlas Bank Building, 524 Walnut Street, Cincinnati, OH 45202. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *toys, games and children's vehicles*, from the facilities of Louis Marx & Co., at Girard, PA, Glendale, WV, and Columbus, OH, to those points in the United States in and west of MT, WY, CO, and NM (except AK and HI). (Hearing site: Washington, DC.)

NOTE.—Dual operations are involved in this proceeding.

MC 135797 (Sub-165F), filed November 15, 1978. Applicant: J. B. HUNT TRANSPORT, INC., A Georgia Corporation, P.O. Box 200, Lowell, AR 72745. Representative: Paul R. Bergant (Same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *wooden and wire box and crate materials*, knocked down from Magnolia, MS, to points in AL, AR, CA, FL, KY, LA, NY, OH, OK, SC, TN, TX, and WI. (Hearing site: New Orleans, LA.)

MC 138328 (Sub-78F), filed January 11, 1979. Applicant: CLARENCE L. WERNER, d/d/a WERNER ENTERPRISES, P.O. Box 37308, Omaha, NE 68137. Representative: James F.



Crosby, P.O. Box 37205, Omaha, NE 68137. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *iron and steel articles*, from the facilities of Midwest Steel, Division of the National Steel Corporation, at Portage, IN, to points in CO, IA, KS, MO, and NE, restricted to the transportation of traffic originating at the named origin facilities and destined to the indicated destinations. (Hearing site: Chicago, IL.)

NOTE.—Dual operations are involved in this proceeding.

MC 138438 (Sub-39F), filed January 11, 1979. Applicant: D. M. BOWMAN, INC., Route 2, Box 43A1, Williamsport, MD 21795. Representative: Edward N. Button, 1329 Pennsylvania Avenue, P.O. Box 1417, Hagerstown, MD 2174. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *bricks*, from Alliance and Bowerston, OH, to points in CT, MD, MA, NY, RI, VA, and DC. (Hearing site: Washington, DC.)

NOTE.—Dual operations are involved in this proceeding.

MC 138469 (Sub-100F), filed January 11, 1979. Applicant: BONCO CARRIERS, INC., P.O. Box 75354, Oklahoma City, OK 73107. Representative: Jack H. Blanshan, Suite 200, 205 W. Touhy Ave., Suite 200, 205 W. Touhy Ave., Park Ridge, IL 60068. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *canned and preserved foodstuffs*, from the facilities of Heinz U.S.A., Division of H. J. Heinz Co., at or near Pittsburgh, PA, to points in AR, OK, and TX, restricted to the transportation of traffic originating at the named origin facilities and destined to the indicated destinations. (Hearing Site: Pittsburgh, PA.)

MC 138882 (Sub-187F), filed December 18, 1978. Applicant: WILEY SANDERS TRUCK LINES, INC., P.O. Box 707, Troy, AL 36081. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *paper, paper products, and materials, supplies, and equipment* used in the manufacture and distribution of paper and paper products (except commodities in bulk), between the facilities of Ronnie Packaging Co., at South Plainfield, NJ, and City of Industry, GA, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing Site: Birmingham, AL, or Tampa, FL.)

MC 139066 (Sub-8F), filed November 14, 1978. Applicant: VAN BUS DELIV-

ERY COMPANY, a corporation, d/b/a UNITED VAN BUS DELIVERY, 2601-32nd Avenue South, Minneapolis, MN 55406. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, TN 38137. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *such commodities* as are dealt in or used by retail stores, between points in ND, SD, MN, and WI, under continuing contract (a) with F. W. Woolworth and Company, of Des Plaines, IL. (Hearing Site: Chicago, IL, or Minneapolis, MN.)

MC 139482 (Sub-76F), filed December 18, 1978. Applicant: NEW ULM FREIGHT LINES, INC., P.O. Box 877, New Ulm, MN 56073. Representative: James E. Ballenthin, 630 Osborn Building, St. Paul, MN 55102. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *sugar* (except in bulk), from the facilities of Amstar Corp., at or near Baltimore, MD, New York, NY, and Philadelphia, PA, to points in IN, IL, KY, MI, and OH. (Hearing Site: New York, NY, or St. Paul, MN.)

NOTE.—Dual operations are involved in this proceeding.

MC 139482 (Sub-79F), filed December 21, 1978. Applicant: NEW ULM FREIGHT LINES, INC., P.O. Box 877, New Ulm, MN 56073. Representative: James E. Ballenthin, 630 Osborn Building, St. Paul, MN 55102. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *glazed clay tile*, from the facilities of Sikes Corporation, at or near Lawrenceburg, KY, to points in MN, ND, SD, IA, IL, NE, CO, KS, MO, TX, OK, LA, MS, AL, and AR. (Hearing site: Chicago, IL.)

NOTE.—Dual operations are involved in this proceeding.

MC 140557 (Sub-3F), filed November 20, 1978. Applicant: CALEX EXPRESS, INC., 149 Warden Avenue, Trucksville, PA 18708. Representative: Alan Kahn, Two Penn Center Plaza, Philadelphia, PA 19102. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *lighting fixtures*, and (2) *materials and supplies* used in the manufacture and distribution of the commodities in (1) above (except commodities in bulk), from the facilities of Keystone Lighting Corporation, at or near Bristol, PA, to points in AZ, CA, CO, ID, MT, NM, NV, ND, OR, SD, UT, WA, and WY, under continuing contract(s) with Keystone Lighting Corporation, of Bristol, PA. (Hearing site: Washington, DC, or Philadelphia, PA.)

NOTE.—Dual operations are involved in this proceeding.

MC 140563 (Sub-20F), filed December 18, 1978. Applicant: W. T. MYLES TRANSPORTATION CO., a corporation, P.O. Box 321, Conley, GA 30027. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *insulation products, insulation materials, and flexible air ducts* (except commodities in bulk), and (2) *materials, equipment, and supplies* used in the manufacture of the commodities named in (1) above (except commodities in bulk), between the facilities of CertainTeed Corporation, (a) at or near Williamstown Junction, NJ, and (b) at points in Camden and Cumberland Counties, NJ, on the one hand, and, on the other, points in AL, GA, IN, KY, MI, NC, OH, SC, TN, VA, and WV. (Hearing site: Atlanta, GA.)

NOTE.—Dual operations are involved in this proceeding.

MC 141346 (Sub-3F), filed November 13, 1978. Applicant: DONAVON CREIGHTON & KERON L. CAIN, d.b.a. K. L. CAIN TRUCKING CONTRACTOR, R.R. No. 2, Potomac, IL 61865. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *plastic motorcycle windshields, fairings and accessories* for motorcycles, (a) between Rantoul, IL, and San Luis Obispo, CA, and (b) from Rantoul, IL, to points in AL, AR, GA, IN, IA, KS, KY, LA, MS, MO, NJ, NY, NE, NC, OH, OK, PA, TN, and WV, under continuing contract(s) with Vetter Faring Company, of Rantoul, IL. (Hearing site: Chicago, IL, or St. Louis, MO.)

MC 142559 (Sub-83F), filed January 8, 1979. Applicant: BROOKS TRANSPORTATION, INC., 3830 Kelley Ave., Cleveland, OH 44114. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *carpet, carpet cushions, and carpet underlay*, and (2) *materials and supplies* used in the manufacture, distribution, installation, and maintenance of the commodities in (1) above, (except commodities in bulk), from the facilities of General Gelt Industries, Inc. (a) at or near Philadelphia, PA, and Trenton, NJ, to points in AL, FL, GA, IL, IN, KY, MI, MN, MS, NC, OH, SC, TN, and WI, (b) at or near Columbus, MS, to points in IL, IN, KY, MI, MN, MO, NJ, NY, OH, PA, TN, and WI, and (c) at or near Shelbyville, TN, to points in



IL, IN, KY, MI, MN, MO, NJ, NY, OH, PA, and WI. (Hearing site: Columbus, OH.)

NOTE.—Dual operations are involved in this proceeding.

MC 143059 (Sub-44F), filed January 8, 1979. Applicant: MERCER TRANSPORTATION CO., a Texas corporation, P.O. Box 35610, Louisville, KY 40232. Representative: John M. Nader, 1600 Citizens Plaza, Louisville, KY 40202. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *unfinished structural steel* and (2) *steel articles*, from the facilities of Metra Steel, at or near Portland, OR, to points in CA, restricted to the transportation of traffic originating at the named origin facilities and destined to the indicated destinations. (Hearing site: Portland, OR, or Louisville, KY.)

MC 143127 (Sub-20F), filed November 13, 1978. Applicant: K. J. TRANSPORTATION, INC., 1000 Jefferson Road, Rochester, NY 14623. Representative: John M. Nader, 1600 Citizens Plaza, Louisville, KY 40202. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *plastics*, (except in bulk), from Owensboro, KY, to those points in the United States in and east of MN, IA, MO, AR, and LA (except points in KY). (Hearing site: Owensboro or Louisville, KY.)

NOTE.—Dual operations are involved in this proceeding.

MC 143616 (Sub-21F), filed November 21, 1978. Applicant: M & S TRANSPORT LINES, INC., P.O. Box 417, Sultana, CA 93666. Representative: Dwight L. Koerber, Jr., Suite 805, 666 Eleventh St., N.W., Washington, DC 20001. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *ironing tables, bed frames, ironing caddies, clothes racks, shopping carts, laundry carts, and laundry sorters*, from the facilities of Lear Siegler, Inc., at or near Seymour, IN, to points in AZ, CA, CO, ID, NV, OR, UT, and WA, under continuing contract(s) with Lear Siegler, Inc., of Seymour, IN. (Hearing site: Chicago, IL, or Washington, DC.)

MC 143651 (Sub-7F), filed November 29, 1978. Applicant: BLACKHAWK EXPRESS, INC., P.O. Box 705, Lake View, IA 51450. Representative: Kenneth F. Dudley, 611 Church St., P.O. Box 279, Ottumwa, IA 52501. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *potting soil and organic compost*, from La Porte, IN, to points in DE, IL, IN, IA, KS, MD, MI, MN, MO,

NE, NY, ND, OH, PA, SD, VA, WV, and WI. (Hearing site: Chicago, IL, or Kansas City, MO.)

MC 143691 (Sub-15F), filed November 24, 1978. Applicant: PONY EXPRESS COURIER CORPORATION, A Delaware Corporation, P.O. Box 4313, Atlanta, GA 30302. Representative: Steven J. Thatcher (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commercial papers, documents, and written instruments* (except currency and negotiable securities) as are used in the business of banks and banking institutions, between El Paso, TX, and points in New Mexico, under continuing contract(s) with banks and banking institutions. (Hearing site: El Paso, TX, or Albuquerque, NM.)

NOTE.—Dual operations are involved in this proceeding.

MC 144023 (Sub-4F), filed December 15, 1978. Applicant: TAYLOR TRANSPORT, INC., Route 1, Fort Mill, SC 29715. Representative: A. Doyle Cloud, Jr., 2008 Clark Tower, 5100 Poplar Avenue, Memphis, TN 38137. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *electric heaters, metering devices, switches, controllers, transformers, and circuit breakers*, and (2) *parts* for the commodities named in (1) above, from the facilities of Federal Pacific Electric Company, at or near Fort Mill, SC, to San Jose and Burlingame, CA, under continuing contract(s) with Federal Pacific Electric Company, of Fort Mill, SC. (Hearing site: Washington, DC.)

MC 143846 (Sub-4F), filed November 15, 1978. Applicant: P. POSA, INC., 50 Van Keuren Avenue, Jersey City, NJ 07306. Representative: Arthur J. Piken, One LeFrak City Plaza, Flushing, NY 11368. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in by department stores (1) from Baltimore, MD, to points in VT, NH, NY, OH, and PA, (2) between Baltimore, MD, and Chicago, IL, (3) from Albany and New York, NY, to Baltimore, MD, (4) from New York, NY, to Chicago, IL, Cincinnati, OH, Fort Worth, Dallas, Houston, and San Antonio, TX, and Phoenix, AZ, (5) from Fort Worth and Dallas, TX, to Baltimore, MD, (6) from Chicago, IL, to Albany, NY, (7) between New York, NY, Baltimore, MD, and points in CA, and (8) from Nashville, TN, to Chicago, IL, and Baltimore, MD, under continuing contract(s) with Montgomery Ward Co., of Chicago, IL. (Hearing site: New York, NY.)

MC 144122 (Sub-37F), filed December 18, 1978. Applicant: CARRETTA TRUCKING, INC., South 160, Route 17 North, Paramus, NJ 07652. Representative: Charles J. Williams, 1815 Front Street, Scotch Plains, NJ 07076. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *drugs* (except commodities in bulk), and (2) *materials, supplies, and equipment* used in the manufacture and distribution of drugs (except commodities in bulk), from Rockville Center, NY, to points in CA, GA, IL, and TX. (Hearing site: New York, NY.)

NOTE.—Dual operations are involved in this proceeding.

MC 144323 (Sub-2F), filed December 14, 1978. Applicant: RICHARD P. CHARAPATA d.b.a. CHARAPATA TRUCKING, N30 W26466 Peterson Drive, Pewaukee, WI 53072. Representative: Daniel R. Dineen, Suite 412, Emple Bldg., 710 N. Plankinton Avenue, Milwaukee, WI 53203. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meats*, from Green Bay, WI, to Chicago, IL, Detroit, MI, New York, NY, Philadelphia, PA, Boston, MA, and Hartford, CT, under continuing contract(s) with Green Bay Dressed Beef Co., of Green Bay, WI. (Hearing site: Milwaukee or Green Bay, WI.)

MC 141452 (Sub-2F), filed December 22, 1978. Applicant: INDUSTRIAL MOLASSES COMPANY, INC., 6600 France Avenue South, Minneapolis, MN 55435. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *liquid fertilizers*, from Sioux City, IA, to points in MN and ND, under continuing contract(s) with Fert-L-Flow, of Crookston, ND. (Hearing site: Omaha, NE, or St. Paul, MN.)

MC 144567 (Sub-1F), filed November 2, 1978. Applicant: A.A.R. TRUCKING CORP., 31-34 137th St., Flushing, NY 11354. Representative: Harold L. Reckson, 33-28 Halsey Road, Fair Lawn, NJ 07410. To operate as a *contract carrier*, by motor vehicle, in foreign commerce only, over irregular routes, transporting (1) *electrical appliances*, and (2) *used household goods*, from New York, NY, to Miami, FL, restricted in (1) and (2) above to the transportation of traffic having a subsequent movement by air or water, and further restricted in (2) above to the transportation of traffic in containers, beyond the points authorized, and the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization

of such shipments, under continuing contract(s) in (1) and (2) above with T M A Packing & Shipping, Inc., of Elmhurst, NY. (Hearing site: New York, NY, or Washington, DC.)

MC 144723 (Sub-1F), filed December 13, 1978. Applicant: RICEY JUSTICE, d.b.a. JUSTICE TRUCKING, 311 South Broadway, Centralia, IL 62801. Representative: B. W. LaTour-ette, Jr., 11 S. Meramec, Suite 1400, St. Louis, MO 63105. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *electrical supplies and equipment*, between St. Louis, MO, on the one hand, and, on the other, points in Madison, Bond, Fayette, Clinton, Marion, Jefferson, Washington, Franklin, Williamson, and Jackson Counties, IL, under continuing contract(s) with Glasco Electric Co. of St. Louis, MO. (Hearing site: St. Louis, MO, or Springfield, IL.)

MC 145023 (Sub-3F), filed December 18, 1978. Applicant: C. O. BRUCE & SON, INC., Route 1, Blum, TX 76627. Representative: Billy R. Reid, P.O. Box 8335, Fort Worth, TX 76112. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *lumber and lumber products*, from points in CA, OR, and WA, to points in AR, LA, OK, and TX. (Hearing site: Dallas, TX, or San Francisco, CA.)

MC 145066 (Sub-2F), filed November 21, 1978. Applicant: CLIFFORD TJADEN, d.b.a. TJADEN TRUCKING, So. Hwy 81, Salem, SD 57058. Representative: Clifford Tjaden (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *dairy farm equipment, and parts for dairy farm equipment*, between Salem, SD, Springfield and St. Louis, MO, and Madison and Ft. Atkinson, WI. (Hearing site: Sioux Falls, SD.)

MC 145068 (Sub-3F), filed January 10, 1979. Applicant: D.O.T. TRUCKING, INC., 104 W. Marlin, Suite 320, McPherson, KS 67469. Representative: Clyde N. Christey, Kansas Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *oil field drilling mud and chemicals*, in bags, between Sidney, MT, Casper, WY, Fort Smith, AR, Oklahoma City and Woodward, OK, Roosevelt, UT, Liberal, Medicine Lodge, Great Bend, and Hays, KS, and McCook, NE; (2) *bentonite mud*, from Belle Fourche, SD, and Upton and Lovell, WY, to Sidney, MT, Casper, WY, Fort Smith, AR, Oklahoma City and Woodward, OK, Roosevelt, UT, Liberal, Hays,

Medicine Lodge, and Great Bend, KS, and McCook, NE; and (3) *walnut hulls*, from Osceola and Helena, AR, to Sidney, MT, Casper, WY, Fort Smith, AR, Oklahoma City and Woodward, OK, Roosevelt, UT, Liberal, Hays, Medicine Lodge, and Great Bend, KS, and McCook, NE. (Hearing site: Kansas City, MO.)

MC 145521F, filed October 10, 1978. Applicant: KRODEN TRANSPORT SERVICES, INC., P.O. Box 206, Redding Ridge, CT 06876. Representative: Joseph F. Hoary, 121 South Main St., Taylor, PA 18517. To operate as a *contract carrier*, by motor vehicle in interstate or foreign commerce, over irregular routes, transporting (1) *general commodities* (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (a) from points in Kings County, NY, to points in AL, AR, CA, CO, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NV, NH, NJ, NC, TN, TX, VT, VA, WA, WV, WI, and DC, (b) from Groton, CT, to points in AZ, AR, CA, CO, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, MD, MA, MI, MN, MO, NE, NH, NJ, NY, NC, OH, OK, OR, PA, TN, TX, VA, WA, WI, and DC, (c) from Parsippany, NJ, to points in AR, CA, CO, CT, DE, GA, IL, IN, KS, KY, ME, MD, MA, MO, NE, NJ, NY, NC, OH, OK, PA, RI, SC, TN, TX, VT, VA, WV, WI, and DC, (d) from Sanford, NC, to points in the United States (including AK, but excluding HI), (e) from Southport, NC, to points in AZ, CA, CO, CT, FL, GA, IL, IN, LA, MD, MI, NJ, NY, NC, OH, PA, SC, TN, TX, and VA, and (f) from Terre Haute, IN, to points in CA, CT, DE, FL, GA, ID, IL, IN, IA, KY, LA, MD, MI, MS, MO, NJ, NY, NC, OH, OS, OR, PA, SC, TN, TX, UT, WA, WI, and DC; and (2) *feed ingredients*, animal health products, and pesticides, from Lee's Summit, MO, to points in AL, AK, AR, AZ, CA, CO, DE, FL, GA, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NV, NJ, NM, NY, NC, ND, OH, OK, OR, PA, SC, SD, TN, TX, UT, VA, WA, and WI, under continuing contract(s) in (1) and (2) above, with Pfizer, Inc., of New York, NY. (Hearing site: New York, NY.)

MC 145573 (Sub-1F), filed December 13, 1978. Applicant: ELBERT R. RANEY, d/b/a RANEY'S TRUCKING, 634 East Olive, Oxnard, CA 93030. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. To operate as a *common carrier*, by motor vehicle in interstate or foreign commerce, over irregular routes, transporting *expanded shale and bentonite*, in bulk, from the facilities of Lightweight Processing Co., at

or near Frazier Park and Ventura, CA, to points in AZ and NV. (Hearing site: Los Angeles, CA.)

MC 145686F, filed November 13, 1978. Applicant: COOK MOTOR, LINES, INC., 2110 Gibbs Drive, Tallahassee, FL 32303. Representative: Sol H. Proctor, 1101 Blackstone Bldg., Jacksonville, FL 32202. To operate as a *common carrier*, by motor vehicle in interstate or foreign commerce, over regular routes, transporting *general commodities* (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Jacksonville and Marianna, FL: from Jacksonville over U.S. Hwy 90 to junction Interstate Hwy 10, then over Interstate Hwy 10 to Marianna, and return over the same route, serving all intermediate points between Greenville and Marianna, FL. (Hearing site: Jacksonville or Tallahassee, FL.)

MC 145757 (Sub-1F), filed November 8, 1978. Applicant: ERICON INTERNATIONAL CORP., 1222 Linden Avenue, Erie, PA 16505. Representative: Arthur J. Diskin, 806 Frick Bldg., Pittsburgh, PA 15219. To operate as a *contract carrier*, by motor vehicle, in foreign commerce, over irregular routes, transporting (1) *general commodities*, (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), in containers or in trailers, and (2) *containers and trailers*, between points in Erie, Crawford, Warren, McKean, Butler, and Venango Counties, PA, and points in Chautauqua and Cattaraugus Counties, NY, on the one hand, and, on the other, Philadelphia and Erie, PA, Cleveland, OH, Buffalo, NY, and Baltimore, MD, restricted to the transportation of traffic having an immediately prior or subsequent movement by water, all of the service in (1) and (2) above to be performed under continuing contract(s) with The Herbert C. Hosford Co., of Erie, PA. (Hearing site: Pittsburgh, PA, or Washington, DC.)

MC 145796 (Sub-1F), filed December 5, 1978. Applicant: VIC ADAMS, INC., 411 W. Sanderson, P.O. Box 253, Yates Center, KS 66783. Representative: Clyde N. Christey, Kansas Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612. To operate as a *contract carrier*, by motor vehicle, in foreign commerce, over irregular routes, transporting *soy bean meal*, from the facilities of Bunge Corporation, at or near Emporia, KS, to points in AR, MO, and OK. (Hearing site: Kansas City, MO.)

MC 145806F, filed November 14, 1978. Applicant: PELTON BROS.

TRANSPORT LIMITED, R. R. No. 3, Paris, Ontario, Canada N3L 3E3. Representative: William J. Hirsch, Suite 1125, 43 Court Street, Buffalo, NY 14202. To operate as a *contract carrier*, by motor vehicle, in foreign commerce, over irregular routes, transporting *lumber*, from points on the international boundary line between the United States and Canada in MI and NY, to points in IL, IN, MI, MO, NY, OH, and PA, under continuing contract(s) with Jim White Lumber Sales, Inc., of Bay City, MI. (Hearing site: Buffalo, NY.)

NOTE.—Dual operations are involved in this proceeding.

MC 43263 (Sub-24F), filed December 14, 1978. Applicant: SCHOLASTIC TRANSIT CO., a corporation, 2800 Old Willow Road, Northbrook, IL 60062. Representative: Patrick H. Smyth, Suite 521, 19 South LaSalle Street, Chicago, IL 60603. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *passengers and their baggage*, in the same vehicle with passengers, in round-trip charter operations, beginning and ending at points in Lake, Cook, and DuPage Counties, IL, and extending to points in AZ, CA, CO, ID, KS, MT, NE, NV, NM, ND, OK, OR, SD, TX, UT, WA, and WY. (Hearing site: Chicago, IL.)

MC 107367 (Sub-3F), filed October 23, 1978. Applicant: BOWMAN BUS SERVICE, INC., R.D. 2, Box 75, Milford, DE 19963. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 Fifteenth St., NW, Washington, DC 20005. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *passengers and their baggage* in the same vehicle with passengers, in round-trip charter operations, beginning and ending at those points in DE on and south of DE Hwy 8, and extending to points in the United States (except AK, DE, HI, MD, NJ, PA, VA, and DC). (Hearing site: Dover, DE.)

MC 145983F, Filed December 18, 1978. Applicant: JOHN PALANGIO ENTERPRISES LTD., d/b/a DELUXE COACH LINES, 2621 Trout Lake Road, North Bay, Ontario, Canada. Representative: William J. Hirsch, Suite 1125, 43 Court Street, Buffalo, NY 14202. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *passengers and their baggage*, in the same vehicles with passengers, in round-trip charter operations, beginning and ending at points on the international boundary line between the United States and Canada, and extending to points in the United States (including

AK, but excluding HI). (Hearing site: Buffalo, NY.)

[FR Doc. 79-5130 Filed 2-16-79; 8:45 am]

[7035-01-M]

[Decisions Volume No. 10]

#### PERMANENT AUTHORITY APPLICATIONS

##### Decision-Notice

Decided: February 1, 1979.

The following applications are governed by Special Rule 247 of the Commission's *Rules of Practice* (49 CFR 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission on or before March 22, 1979. Failure to file a protest, within 30 days, will be considered as a waiver of opposition to the application. A protest under these rules should comply with Rule 247(e)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding, (as specifically noted below), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. A protestant should include a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describe in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named. If the protest includes a request for oral hearing, such request shall meet the requirements of section 247(e)(4) of the special rules and shall include the certification required in that section.

Section 247(f) provides, in part, that an applicant which does not intend timely to prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication.*

Any authority granted may reflect administratively acceptable restrictive amendments to the service proposed

below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

*We Find:* With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions and jurisdictional problems) we find, preliminarily, that each common carrier applicant has demonstrated that its proposed service is required by the public convenience and necessity, and that each contract carrier applicant qualifies as a contract carrier and its proposed contract carrier service will be consistent with the public interest and the national transportation policy. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a protestant, that the proposed dual operations are consistent with the public interest and the national transportation policy subject to the right of the Commission, which is expressly reserved, to impose such conditions as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930 [formerly section 210 of the Interstate Commerce Act].

In the absence of legally sufficient protests, filed on or before March 22, 1979 (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, such duplication shall not be construed as conferring more than a single operating right.

Applicants must comply with all specific conditions set forth in the grant or grants of authority within 90 days after the service of the notification of the effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

By the Commission, Review Board Number 1, Members Carleton, Joyce, and Jones.

H. G. HOMME, Jr.,  
Secretary.

MC 200 (Sub-317F), filed November 14, 1978. Applicant: RISS INTERNATIONAL CORPORATION, a Delaware Corporation, 903 Grand Ave., Kansas City, MO 64106. Representative: W. Randall Tye, 1400 Candler Bldg., Atlanta, GA 30303. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), between points in CO, CT, DE, IL, IN, IA, KS, KY, ME, MD, MA, MI, MN, MO, NE, NH, NJ, NY, PA, OH, OK, RI, TX, VT, VA, WV, WI, and DC, restricted to the transportation of traffic originating at or destined to the facilities of Owens-Corning Fiberglas Corporation and its subsidiaries. (Hearing site: Washington, DC, or Kansas City, MO.)

MC 200 (Sub-318F), filed November 14, 1978. Applicant: RISS INTERNATIONAL CORPORATION, a Delaware Corporation, 903 Grand Avenue, Kansas City, MO 64106. Representative: Ivan E. Moody (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs* (except in bulk), in vehicles equipped with mechanical refrigeration, from the facilities of Commercial Distribution Center, Inc., at or near Kansas City, KS, to points in AZ, AR, OR, TX, LA, NM, KS, and CO, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Kansas City, MO.)

MC 200 (Sub-319F), filed November 14, 1978. Applicant: RISS INTERNATIONAL CORPORATION, a Delaware Corporation, 903 Grand Ave., Kansas City, MO 64106. Representative: Ivan E. Moody (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *plastic surgical supplies and rubber-surgical supplies*, (except commodities in bulk), serving Sullivan, IN, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Kansas City, MO.)

MC 200 (Sub-320F), filed November 14, 1978. Applicant: RISS INTERNATIONAL CORPORATION, a Delaware Corporation, 903 Grand Ave., Kansas City, MO 64106. Representative: Ivan E. Moody (same address as applicant.) To operate as a *common*

*carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *books, asbestos brake blocks, clutch facings, and materials and supplies used in the manufacture or distribution of asbestos brake blocks and clutch facings*, (except commodities in bulk), serving Crawfordsville, IN, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Kansas City, MO.)

MC 200 (Sub-321F), filed November 14, 1978. Applicant: RISS INTERNATIONAL CORPORATION, a Delaware corporation, 903 Grand Ave., Kansas City, MO 64106. Representative: Ivan E. Moody (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *building materials, and materials, equipment, and supplies used in the manufacture or distribution of building materials*, (except commodities in bulk), between the facilities of Georgia-Pacific Corporation, at or near Quakertown, PA, on the one hand, and, on the other, points in AL, CT, DE, GA, IL, IN, KY, ME, MD, MA, MI, NH, NJ, NY, NC, OH, RI, SC, TN, VT, VA, WV, WI, and DC, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Kansas City, MO.)

MC 200 (Sub-322F), filed November 14, 1978. Applicant: RISS INTERNATIONAL CORPORATION, a Delaware corporation, 903 Grand Ave., Kansas City, MO 64106. Representative: Ivan E. Moody (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meats, meat products and meat byproducts, and articles distributed by meat-packing houses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk), from the facilities of Sioux Pac of Iowa, Inc., at Sioux City, IA, to points in CT, IL, IN, KS, KY, ME, MD, MA, MI, MO, NH, NJ, NY, OH, PA, RI, and DC, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Kansas City, MO.)

MC 200 (Sub-323F), filed November 15, 1978. Applicant: RISS INTERNATIONAL CORPORATION, a Delaware corporation, 903 Grand Ave., Kansas City, MO 64106. Representative: Ivan E. Moody (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meats, meat prod-*

*ucts and meat byproducts, and articles distributed by meat-packing houses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of Farmland Industries at Crete, NE, and Denison, Carroll, and Iowa Falls, IA, to points in CO, CT, DE, IL, IN, IA, KS, MD, MA, MI, MO, NE, NJ, NY, OH, OK, PA, RI, TX, VA, WV, and DC, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Kansas City, MO.)

MC 1380 (Sub-23F), filed November 15, 1978. Applicant: COLONIAL MOTOR FREIGHT LINE, INC., P.O. Box 7027, High Point, NC 27264. Representative: Max H. Towery (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Moncks Corner, SC, and Charleston, SC, over US Hwy 52, serving all intermediate points, and points in Berkeley County, SC, as off-route points in connection with carrier's authorized regular-route operations. (Hearing site: Charlotte, NC, or Charleston, SC.)

MC 1824 (Sub-84F), filed October 30, 1978. Applicant: PRESTON TRUCKING COMPANY, INC. 151 Easton Boulevard, Preston, MD 21655. Representative: Thomas M. Auchincloss, Jr., 918-26th Street, N.W., Washington, DC 20006. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the terminal facilities of Preston Trucking Company, Inc., at or near Bristow, VA, as an off-route point in connection with applicant's otherwise authorized regular route operations between Baltimore, MD and Norfolk, VA. (Hearing site: Washington, DC.)

MC 1824 (Sub-85F), filed November 1, 1978. Applicant: PRESTON TRUCKING COMPANY, INC. 151 Easton Boulevard, Preston, MD 21655. Representative: Thomas M. Auchincloss, Jr., 918-16th Street, N.W., Washington, DC 20006. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except articles of unusu-

al value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Junction U.S. Hwy 322 and PA Hwy 36 and Erie, PA, from junction U.S. Hwy 322 and PA Hwy 36 over PA Hwy 36 to junction PA Hwy 8, then over PA Hwy 8 to Erie, and return over the same route, serving no intermediate points as an alternate route for operating convenience only in conjunction with applicant's otherwise authorized regular route operations. (Hearing site: Washington, DC, or Baltimore, MD.)

MC 2860 (Sub-174F), filed November 14, 1978. Applicant: NATIONAL FREIGHT, INC., 71 W. Park Ave., Vineland, NJ 08360. Representative: W. Randall Tye, 1400 Candler Bldg., Atlanta, GA 30303. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, and commodities in bulk, in tank vehicles), between those points in the United States in and east of MT, WY, CO, and AZ, restricted to the transportation of traffic originating at or destined to the facilities of Owens-Corning Fiberglass Corporation. (Hearing site: Washington, DC.)

MC 2900 (Sub-345F), filed November 13, 1978. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Rd., P.O. Box 2408, Jacksonville, FL 32203. Representative: S.E. Somers, Jr. (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the Black Fox Nuclear Plant, near Inola, OK, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Oklahoma City, OK.)

MC 21779 (Sub-4F), filed January 5, 1979. Applicant: J. P. GRAHAM TRANSFER, INC., 475 Railroad Ave., Rochester, PA 15074. Representative: John A. Vuono, 2310 Grant Bldg., Pittsburgh, PA 15219. To operate as a *common carrier*, by motor vehicle, interstate or foreign commerce, over irregular routes, transporting (1) *iron and steel articles*, from the facilities of Pittsburgh Tube Company, at Monaca, PA, to points in IL, IN, NY, OH, and those in the Lower Peninsula of MI, (2) *commodities* used in the manufacture and distribution of iron and steel articles in the reverse direction, (3) *iron and steel articles*, from the facilities of Pittsburgh Tube Company, at

Jane Lew, WV, to points in IL, IN, NY, OH, PA, and those in the Lower Peninsula of MI, and (4) *commodities* used in the manufacture and distribution of iron and steel articles, in the reverse direction. (Hearing site: Pittsburgh, PA, or Washington, DC.)

MC 21779 (Sub-5F), filed January 5, 1979. Applicant: J. P. GRAHAM TRANSFER, INC., 475 Railroad Ave., Rochester, PA 15074. Representative: John A. Vuono, 2310 Grant Bldg., Pittsburgh, PA 15219. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *iron and steel articles*, from the facilities of Teledyne Columba-Summerill, in the Borough of Carnegie, PA, to those points in IN on and north of Interstate Hwy 70, those in NY on and west of Interstate Hwy 81, and those in the Lower Peninsula of MI, and (2) *commodities* used in the manufacture and distribution of iron and steel articles in the reverse direction. (Hearing site: Pittsburgh, PA, or Washington, DC.)

MC 29856 (Sub-21F), filed November 6, 1978. Applicant: MCKAY'S TRUCK LINE, INC., 908 North Pacific Highway, P.O. Box 634, Albany, OR 97321. Representative: Lawrence V. Smart, Jr., 419 N.W. 23rd Ave., Portland, OR 97210. To operate as a *common carrier*, by motor vehicle, interstate or foreign commerce, over irregular routes, transporting (1) *paper and paper products*, and (2) *materials, equipment, and supplies* used in the manufacture of paper and paper products (except commodities in bulk), between points in CA, CO, ID, OR, and WA, restricted to the transportation of traffic originating at or destined to the facilities of Western Kraft, a Division of Willamette Industries, Inc. (Hearing site: Portland, OR.)

MC 31389 (Sub-267F), filed January 5, 1979. Applicant: MCLEAN TRUCKING COMPANY, a Corporation, P.O. Box 213 Winston-Salem, NC 27102. Representative: David F. Eshelman (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Columbus, IN, as an intermediate and off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Indianapolis, IN, or Washington, DC.)

MC 42011 (Sub-49F), filed November 24, 1978. Applicant: D. Q. WISE & CO., INC., P.O. Drawer L, Tulsa, OK 74112. Representative: James W.

Hightower, 136 Wynnewood Professional Bldg., Dallas, TX 75224. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *process equipment, exchangers, tanks, and vessels*, and (2) *material and equipment* used in the manufacture of the commodities named in (1) above, between the facilities of Plant Maintenance Service Corp., at or near Memphis, TN, on the one hand, and, on the other, points in the United States (except AK, AL, GA, FL, SC, and NC). (Hearing site: Dallas, TX, or Memphis, TN.)

MC 45716 (Sub-9F), filed November 6, 1978. Applicant: WELSH BROS. MOTOR SERVICE, INC., 920 150th St., Hammond, IN 46320. Representative: Carl L. Steiner, 39 S. LaSalle St., Chicago, IL 60603. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *iron and steel articles*, from Hammond, IN, to points in IL, restricted to the transportation of traffic originating at the facilities of Jones & Laughlin Steel Corp. (Hearing site: Chicago, IL.)

MC 50069 (Sub-540F), filed January 2, 1979. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, a Delaware corporation, 455 Earlwood Ave., Oregon, OH 43616. Representative: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, OH 44114. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *petroleum products, vehicle body sealers, sound deadening compounds, and acoustical control items*, in bulk, in tank vehicles, from the facilities of Quaker State Oil Refining Corp., in Warren County, MS, to points in the United States (except AK and HI), restricted to the transportation of shipments originating at the named origin. (Hearing site: Washington, DC.)

NOTE.—Dual operations may be involved in this proceeding.

MC 52704 (Sub-194F), filed November 9, 1978. Applicant: GLENN McCLENDON TRUCKING COMPANY, INC., P.O. Drawer "H", LaFayette, AL 36862. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *glass containers, plastic containers, and closures* for glass containers and plastic containers, from Montgomery, AL, to points in KY and SC (except Greenville County), and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, (except commodities in bulk, in tank



vehicles), from points in AR, FL, GA, KY, LA, MS, NC, OK, SC, TN, TX, and VA, to Montgomery, AL. (Hearing site: Atlanta, GA.)

MC 56679 (Sub-109F), filed January 5, 1979. Applicant: BROWN TRANSPORT CORP., 352 University Ave. SW., Atlanta, GA 30315. Representative: Leonard S. Cassell (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Ocoee, TN and New Orleans, LA, from Ocoee over U.S. Hwy 64 to junction Interstate Hwy 75 at or near Cleveland, TN, then over Interstate Hwy 75 to junction Interstate Hwy 24, then over Interstate Hwy 24 to junction Interstate Hwy 59, then over Interstate Hwy 59 to its junction with Interstate Hwy 10, then over Interstate Hwy 10 to New Orleans, and return over the same route, (2) between Atlanta, GA and New Orleans, LA, from Atlanta over Interstate Hwy 85 to junction Interstate Hwy 65 at or near Montgomery, AL, then over Interstate Hwy 65 to junction AL Hwy 59, then over AL Hwy 59 to junction U.S. Hwy 31 at or near Bay Minette, AL, then over U.S. Hwy 31 to Mobile, AL, then over Interstate Hwy 10 to junction U.S. Hwy 90, then over U.S. Hwy 90 to New Orleans, and return over the same route, (3) between Columbus, GA and Vicksburg, MS, over U.S. Hwy 80, (4) between Atlanta, GA and Hamilton, AL, over U.S. Hwy 278, (5) between Birmingham, AL and Southaven, MS, from Birmingham over U.S. Hwy 78 to junction U.S. Hwy 51, then over U.S. Hwy 51 to Southaven, and return over the same route, (6) between Corinth, MS and Mobile, AL, over U.S. Hwy 45, (7) between Dothan, AL, and Natchez, MS, over U.S. Hwy 84, (8) between Andalusia, AL and Flomaton, AL, from Andalusia over U.S. Hwy 29 to junction U.S. Hwy 31, then over U.S. Hwy 31 to Flomaton, and return over the same route, (9) between Dothan, AL and the AL-TN State line (north of Athens, AL), from Dothan over U.S. Hwy 231 to Montgomery, then over Interstate Hwy 65 to the AL-TN State line, and return over the same route, (10) between Atlanta, GA and Birmingham, AL, over Interstate Hwy 20, (11) between Dothan and Gadsden, AL, over U.S. Hwy 431, (12) between junction Interstate Hwy 59 and AL Hwy 5 and Mobile, AL, from junction Interstate Hwy 59 and AL Hwy 5 over AL Hwy 5 to junction U.S. Hwy 43, then over U.S. Hwy 43 to Mobile, AL, and return over the same route, (13) between junction U.S. Hwy 72 and U.S. Hwy 41

(near Kimball, TN), and Southaven, MS, from junction U.S. Hwys 72 and 41 over U.S. Hwy 72 to junction U.S. Hwy 51, then over U.S. Hwy 51 to Southaven, and return over the same route, (14) between Memphis, TN, and New Orleans, LA, from Memphis over Interstate Hwy 55 to junction U.S. Hwy 51, then over U.S. Hwy 51 to junction Interstate Hwy 10, then over Interstate Hwy 10 to New Orleans, and return over the same route, (15) between Southaven, MS and New Orleans, LA, from Southaven over U.S. Hwy 51 to Horn Lake, MS, then over unnumbered highway to Walls, MS, then over U.S. Hwy 61 to New Orleans, LA, and return over the same route, (16) between Montgomery, AL and Greenville, MS, over U.S. Hwy 82, (17) between Dalton, GA and junction U.S. Hwys 41 and 72 (near Kimball, TN), over U.S. Hwy 41, (18) between Dalton, GA and Gadsden, AL, from Dalton over U.S. Hwy 41 to junction U.S. Hwy 411, then over U.S. Hwy 411 to Gadsden, and return over the same route, (19) between Flomaton and Bay Minette, AL, over U.S. Hwy 31, (20) between Ocoee, TN and Charlotte, NC, from Ocoee, over U.S. Hwy 64 to junction Hwy 74, then over U.S. Hwy 74 to Charlotte, NC, and return over the same route, (21) serving all intermediate points on the above routes (except route 17), and serving those points in LA on and east of U.S. Hwy 61 and points in AL and MS as off-route points in connection with the above-described routes. (Hearing site: Atlanta, GA, or Washington, DC.)

MC 59367 (Sub-133F), filed November 15, 1978. Applicant: DECKER TRUCK LINE, INC., P. O. Box 915, Fort Dodge, IA 50501. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in by grocery stores, (except commodities in bulk), from those points in the United States in and west of FL, GA, TN, KY, and OH (except AK and HI), to the facilities of Fareway Stores, Inc., at Boone, IA. (Hearing site: Des Moines, IA, or Omaha, NE.)

MC 65660 (Sub-12F), filed November 14, 1978. Applicant: WARNER & SMITH MOTOR FREIGHT, INC., a Pennsylvania corporation, 66 Third St., Masury, OH 44438. Representative: C. R. Johnson (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *automobile parts*, in packages, between Linesville, PA, and Sandusky, OH. (Hearing site: Cleveland, OH, or Washington, DC.)

MC 67450 (Sub-73F), filed November 14, 1978. Applicant: PETERLIN CARTAGE CO., a corporation, 9651 S. Ewing Ave., Chicago, IL 60617. Representative: Joseph Winter, 29 S. La Salle St., Chicago, IL 60603. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *foodstuffs* (except in bulk), and (2) *materials, equipment, and supplies used in the manufacture or distribution of foodstuffs*, (except commodities in bulk), between the facilities of General Mills, Inc., at or near Chicago, West Chicago, St. Charles, and Galesburg, IL, Toledo and Fostoria, OH, Buffalo, NY, Mechanicsburg, PA, Bridgeport, CT, Chattanooga, TN, Dallas, TX, Kansas City, MO, Minneapolis, MN, and Cedar Rapids, IA, on the one hand, and, on the other, those points in the United States in and east of MT, WY, CO, and NM, restricted to the transportation of traffic originating at or destined to the above named facilities. (Hearing site: Chicago, IL, or Minneapolis, MN.)

MC 75320 (Sub-203F), filed November 14, 1978. Applicant: CAMPBELL SIXTY-SIX EXPRESS, INC., P.O. Box 807, Springfield, MO 65801. Representative: John A. Crawford, 17th Floor, Deposit Guaranty Plaza, P.O. Box 22567, Jackson, MS 39205. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of American Can Co., at or near Naheola, AL, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Meridian, MS.)

MC 82079 (Sub-70F), filed December 26, 1978. Applicant: KELLER TRANSFER LINE, INC., 5635 Clay Ave. SW., Grand Rapids, MI 49508. Representative: Edward Malinzak, 900 Old Kent Bldg., Grand Rapids, MI 49503. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meats, meat products and meat byproducts, and articles distributed by meat-packing houses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except hides and commodities in bulk), in vehicles equipped with mechanical refrigeration, from the facilities of Wilson Foods Corporation, at or near Logansport, IN, to Chicago, IL, restricted to the transportation of traffic originating at the



named origin and destined to the indicated destination. (Hearing site: Dallas, TX, or Kansas City, MO.)

NOTE.—Dual operations may be involved in this proceeding.

MC 83539 (Sub-514F), filed January 5, 1979. Applicant: C & H TRANSPORTATION CO., INC., P.O. Box 270535, Dallas, TX 75227. Representative: Thomas E. James (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *tractors*, and (2) *accessories, attachments, and parts* for tractors, between points in Arapahoe County, CO, on the one hand, and, on the other, points in the United States (including AK, but excluding HI.) (Hearing site: Denver, CO, or Dallas, TX.)

MC 85934 (Sub-86F), filed November 9, 1978. Applicant: MICHIGAN TRANSPORTATION COMPANY, a corporation, 3601 Wyoming, P.O. Box 248, Dearborn, MI 48120. Representative: Martin J. Leavitt, 22375 Haggerty Road, P.O. Box 400, Northville, MI 48167. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *liquid chemicals*, in bulk, in tank vehicles, (1) from Midland and Bay City, MI, to points in CT, IL, IN, IA, ME, MA, MN, NH, OH, PA, and WI, and (2) from Marquette, MI, to points in MN and WI. (Hearing site: Chicago, IL, or Washington, DC.)

MC 85934 (Sub-87F), filed November 9, 1978. Applicant: MICHIGAN TRANSPORTATION COMPANY, a corporation, 3601 Wyoming, P.O. Box 248, Dearborn, MI 48120. Representative: Martin J. Leavitt, 22375 Haggerty Road, P.O. Box 400, Northville, MI 48167. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *liquid chemicals*, in bulk, in tank vehicles from Howell, MI, to points in OH. (Hearing site: Chicago, IL, or Washington, DC.)

MC 103926 (Sub-83F), filed October 18, 1978. Applicant: W. T. MAYFIELD SONS TRUCKING CO., a corporation, P.O. Box 947, Mableton, GA 30059. Representative: K. Edward Wolcott, P.O. Box 872, Atlanta, GA 30303. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *construction equipment*, and (2) *parts and accessories* for construction equipment, (except commodities in bulk), between points in AL, AR, DE, FL, GA, IL, IN, KY, LA, MD, MS, NC, OH, OK, PA, SC, TN, TX, VA, WV, and DC, restricted to the transportation of traffic originating at or destined to the facilities of Harbert Construction Corpora-

tion. (Hearing site: Birmingham, AL, or Atlanta, GA.)

MC 106074 (Sub-74F), filed November 9, 1978. Applicant: B AND P MOTOR LINES, INC., Oakland Road and U.S. Highway 221 South, Forest City, NC 28043. Representative: Clyde W. Carver, Suite 212, 5299 Roswell Road, NE, Atlanta, GA 30342. To operate as a *common carrier*, by motor vehicles, in interstate or foreign commerce, over irregular routes, transporting *metal containers and closures and accessories for metal containers*, from the facilities of Carnation Company, at St. Joseph, MO, to points in GA, NC, SC, and VA. (Hearing site: Kansas City, MO, or Washington, DC.)

NOTE.—Dual operations may be involved in this proceeding.

MC 106074 (Sub-75F), filed November 9, 1978. Applicant: B AND P MOTOR LINES, INC., P.O. Box 741, Forest City, NC 28043. Representative: Arlyn L. Westgren, Suite 106, 7101 Mercy Road, Omaha, NE 68106. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meats, meat products and meat byproducts, and articles distributed by meat-packing houses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of Flavorland Industries, Inc., at Denver, CO, to points in NC, SC, and VA. (Hearing site: Omaha, NE, or Denver, CO.)

NOTE.—Dual operations are involved in this proceeding.

MC 106451 (Sub-18F), filed November 27, 1978. Applicant: COOK MOTOR LINES, INC., P.O. Box 370, 408 Wellington Ave., Akron, OH 44309. Representative: John P. McMahon, 100 East Broad St., Columbus, OH 43215. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) over regular routes, serving points in Brooke and Hancock Counties, WV, as off-route points in connection with carrier's otherwise-authorized regular route operations in OH and WV; and (2) over irregular routes, between points in Brooke and Hancock Counties, WV, on the one hand, and, on the other, points in OH and WV. (Hearing site: Columbus, OH.)

MC 106674 (Sub-354F), filed November 8, 1978. Applicant: SCHILLI MOTOR LINES, INC., 123 P.O. 123,

Remington, IN 47977. Representative: Jerry L. Johnson (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *plastic pipe, plastic fittings, plastic connections, iron connections, iron fittings, valves, hydrants, and gaskets*, (except oil field commodities as defined in *Mercer Extension-Oil Field Commodities*, 74 M.C.C. 459), from the facilities of Clow Corporation, at Columbia, MO, to those points in the United States in and east of MN, IA, MO, AR, and TX. (Hearing site: Chicago, IL, or Indianapolis, IN.)

MC 106674 (Sub-355F), filed November 8, 1978. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, IN 47977. Representative: Jerry L. Johnson (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *concrete products and pipe fittings, and materials, equipment, and supplies* used in the manufacture and installation of concrete products and pipe fittings, between Dayton, OH, on the one hand, and, on the other, points in IL, IN, KY, MI, NY, PA, and WV. (Hearing site: Chicago, IL, or Indianapolis, IN.)

MC 107478 (Sub-40F), filed January 3, 1979. Applicant: OLD DOMINION FREIGHT LINE, INC., a Virginia Corporation, 1791 Westchester Drive, P.O. Box 2006, High Point, NC 27261. Representative: Harry J. Jordan, 1000 16th Street, NW, Washington, DC 20036. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *containers*, (1) from Hurlock, MD, to Dunn, NC, and (2) from Cambridge, Fruitland, and Hurlock, MD, Hanover, PA, and Winchester, VA, to Wilson, NC. (Hearing site: Washington, DC.)

MC 111485 (Sub-25F), filed November 30, 1978. Applicant: PASCHALL TRUCK LINES, INC., Route 4, Murray, KY 42071. Representative: Robert H. Kinker, 314 W. Main Street, P.O. Box 464, Frankfort, KY 40602. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between the facilities of The Tappan Company, Murray Division, at Murray, KY, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Murray, KY.)

MC 112184 (Sub-64F), filed November 9, 1978. Applicant: THE MAN-

FREDI MOTOR TRANSIT CO., a corporation, 11250 Kinsman Road, Newbury, OH 44065. Representative: John P. McMahon, 100 East Broad Street, Columbus, OH 43215. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *liquid sugars*, in bulk, in tank vehicles, from Yonkers, NY, to points in PA, OH, and WV, under contract with Refined Syrups & Sugars, Inc., of Yonkers, NY.

NOTE.—Dual operations are involved in this proceeding.

The person or persons who appear to be engaged in common control must either file an application under 49 U.S.C. § 11343(a) (formerly section 5(2) of the Interstate Commerce Act), or submit an affidavit indicating why such approval is unnecessary. (Hearing site: New York, NY.)

MC 112750 (Sub-349F), filed November 14, 1978. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, NY 11042. Representative: Elizabeth L. Henoch (same as above). To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commercial papers, documents, and written instruments* (except currency and negotiable securities) as are used in the business of banks and banking institutions, between Bluefield, WV, and Raleigh, NC, under contract with The Flat Top National Bank of Bluefield, of Bluefield, WV. (Hearing site: Washington, DC.)

NOTE.—Dual operations may be at issue in this proceeding.

MC 112989 (Sub-78F), filed October 19, 1978, previously published in the FEDERAL REGISTER issue of November 28, 1978. Applicant: WEST COAST TRUCK LINES, INC., 85647 Highway 99 South, Eugene, OR 97504. Representative: John G. McLaughlin, Suite 1440, 200 Market Bldg., Portland, OR 97201. To operate as a *common carrier*, by motor vehicle, over irregular routes, transporting (A) *lumber, lumber mill products, millwork, and wood products*, from points in CA, ID, MT, OR, and WA, to points in AR, IL, IN, IA, KS, MI, MN, MO, NE, OH, OK, PA, TX, and WI; and (B)(1) *commodities* the transportation of which, because of size or weight, requires the use of special equipment or special handling, (2) *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, and commodities requiring special equipment), in mixed loads with commodities the transportation of which, because of size or weight, requires the use of special equipment or special

handling when the mixed load moves on a single bill of lading from a single consignor, (3) *self-propelled articles*, (4) *farm equipment*, (5) *construction materials, construction equipment, and construction supplies*, (6) *metal articles and pipe*, (a) from points in AR, IL, IN, IA, KS, MI, MN, MO, NE, OH, OK, PA, TX, and WI, to points in AZ, CA, ID, NV, OR, and WA, and (b) from points in CA, OR, and WA, to points in AR, IL, IN, IA, KS, MI, MN, MO, NE, OH, OK, PA, TX, and WI. (Hearing sites: Portland, OR, San Francisco, CA, Chicago, IL, and Dallas, TX.)

NOTE.—This republication shows the addition of iron and steel pipe in part (6) above.

MC 113106 (Sub-64F) filed November 2, 1978. Applicant: THE BLUE DIAMOND COMPANY, a Corporation, 4401 East Fairmount Ave., Baltimore, MD 21224. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 Fifteenth St., NW., Washington, DC 20005. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in or used by manufacturers of glass and plastic products, (except commodities in bulk) between points in CT, DE, FL, GA, MA, MD, NC, NH, NJ, NY, OH, PA, RI, SC, VA, and DC, restricted to the transportation of traffic originating at and destined to the facilities of Thatcher Glass Manufacturing Company, Division of Dart Industries, Inc. (Hearing site: Washington, DC.)

MC 113509 (Sub-8F), filed December 29, 1978. Applicant: DANTE GENTILINI TRUCKING, INC., P.O. Box 389, West Chicago, IL 60185. Representative: Donald S. Mullins, 4704 W. Irving Park Rd., Chicago, IL 60641. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *perlite, vermiculite, and plaster*, in bags, (2) *glass wool and polystyrene products*, (a) from Dearborn, MI, to points in IL, IN, and WI, (b) from Milwaukee, WI, to points in IL (except Chicago and West Chicago), IN, IA, MI, MN, and MO, (c) from Minneapolis, MN, to points in IL, IA, MI, and WI, (d) from St. Louis, MO, to points in IL and WI, (e) from West Chicago, IL, to points in MO, (f) from West Chicago, IL, to those points in IN south of a line beginning at the IL-IN State line and extending along U.S. Hwy 40 to junction IN Hwy 42, at or near Terre Haute, then along IN Hwy 42 to junction IN Hwy 59, at or near Prairie, then along IN Hwy 59 to junction IN Hwy 46, then along IN Hwy 46 to junction U.S. Hwy 52, then along U.S. Hwy 52 (also Interstate Hwy 74) to the IN-OH State line, (g) from West Chicago, IL, to those points in IA west of U.S. Hwy 69, (h) from west

Chicago, IL, to those points in MI north and east of a line beginning at the Lake Michigan and extending along MI Hwy 120 to junction U.S. Hwy 31, then along U.S. Hwy 31 to junction Interstate Hwy 96, then along Interstate Hwy 96 to junction MI Hwy 66, then along MI Hwy 66 to junction U.S. Hwy 12, then along U.S. Hwy 12 to junction Interstate Hwy 69 (also U.S. Hwy 27), then along Interstate Hwy 69 to the IN-MI State line, (i) from West Chicago, IL, to those points in WI on and north of a line beginning at Port Washington and extending along WI Hwy 33 to junction WI Hwy 67, then along WI Hwy 67 to junction WI Hwy 60, then along WI Hwy 60 to the WI-IA State line, (3) *plant bed media*, in bags, (a) from Dearborn, MI, to points in IL, IN, and WI, (b) from Milwaukee, WI, to points in IL, IN, IA, MI, MN, and MO, (c) from Minneapolis, MN, to points in IL, IA, MI, and WI, (d) from St. Louis, MO, to points in IL and WI, and (e) from West Chicago, IL, to points in IN, IA, MI, MN, MO, and WI, and (4) *materials, equipment and supplies* used in the manufacture and packaging of the commodities in (1), (2), and (3) above, (except commodities in bulk), (a) from points in IL, IN, IA, MN, MO, and WI, to Dearborn, MI, (b) from points in IL, IN, IA, MI, MN, and MO, to Milwaukee, WI, (c) from points in IL, IN, IA, MI, MO, and WI, to Minneapolis, MN, (d) from points in IL, IN, IA, MI, MN, and WI, to St. Louis, MO, and (e) from points in IN, IA, MI, MN, MO, and WI, to West Chicago, IL, in (1), (2), (3), and (4) above, under contract with W. R. Grace & Co. and its Construction Products Division and Zonolite Division, of Cambridge, MA. (Hearing site: Chicago, IL)

MC 113678 (Sub-768F), filed January 3, 1979. Applicant: CURTIS, INC., A Delaware Corporation, 4810 Pontiac Street, Commerce City, CO 80022. Representative: Roger M. Shaner (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *Meats, meat products, meat by-products, and articles distributed by meat-packing houses*, (except commodities in bulk), in vehicles equipped with mechanical refrigeration, from Buffalo Lake, MN, to points in AZ, CA, CO, ID, MO, NM, NV, OR, UT, WA, and WY, restricted to the transportation of traffic originating at the named origin. (Hearing site: Minneapolis, MN.)

NOTE.—The certificate to be issued in this proceeding will be limited to a period expiring 3 years from its effective date unless, prior to its expiration (but not less than 6 months prior to its expiration) applicant files a petition for the extension of said certificate and demonstrates that it has been

conducting operations in full compliance with the terms and conditions of its certificate and with the requirements of the Interstate Commerce Act and applicable Commission regulations.

MC 113678 (Sub-769F), filed January 3, 1979. Applicant: CURTIS, INC., A Delaware Corporation, 4810 Pontiac Street, Commerce City, CO 80022. Representative: Roger M. Shaner (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *foodstuffs* (except frozen), and (2) *commodities* the transportation of which is otherwise exempt from economic regulation under 49 U.S.C. § 10526(a)(6) formerly Section 203(b)(6) of the Interstate Commerce Act in mixed loads with the commodities in (1) above (except commodities in bulk), in vehicles equipped with mechanical refrigeration, from points in AZ and CA to Champaign, IL, Ft. Wayne, IN, Des Moines, IA, Hopkins, MN, Bismarck and Fargo, ND, Xenia, OH, Mitchell, SD, and Green Bay, WI, restricted to the transportation of traffic destined to the facilities of Super Value Stores, Inc., at the indicated destinations. (Hearing site: St. Paul, MN.)

NOTE.—The certificate to be issued in this proceeding will be limited to a period expiring 3 years from its effective date unless, prior to its expiration (but not less than 6 months to its expiration) applicant files a petition for the extension of said certificate and demonstrates that it has been conducting operations in full compliance with the terms and conditions of its certificate and with the requirements of the Interstate Commerce Act and applicable Commission Regulations.

MC 113678 (Sub-770F), filed January 3, 1979. Applicant: CURTIS, INC., A Delaware Corporation, 4810 Pontiac Street, Commerce City, CO 80022. Representative: Roger M. Shaner (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meats*, *meat products*, and *meat byproducts*, and *articles distributed by meat-packing houses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of MBPXL Corporation, at or near Dodge City, KS, to points in AL, GA, FL, TN, NC, and SC. (Hearing site: Kansas City, KS.)

NOTE.—The certificate to be issued in this proceeding will be limited to a period expiring 3 years from its effective date unless, prior to its expiration (but not less than 6 months to its expiration) applicant files a petition for the extension of said certificate and demonstrates that it has been conducting operations in full compliance with the

terms and conditions of its certificate and with the requirements of the Interstate Commerce Act and applicable Commission Regulations.

MC 113678 (Sub-771F), filed January 3, 1979. Applicant: CURTIS, INC., A Delaware Corporation, 4810 Pontiac Street, Commerce City, CO 80022. Representative: Roger M. Shaner (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in by grocery stores (except commodities in bulk), from the facilities of Safeway Stores, Inc., at or near Dallas and Denison, TX, to the facilities of Safeway Stores, Inc., at Denver, CO. (Hearing site: Denver, CO.)

NOTE.—The certificate to be issued in this proceeding will be limited to a period expiring 3 years from its effective date unless, prior to its expiration (but not less than 6 months to its expiration) applicant files a petition for the extension of said certificate and demonstrates that it has been conducting operations in full compliance with the terms and conditions of its certificate and with the requirements of the Interstate Commerce Act and applicable Commission Regulations.

MC 113678 (Sub-772F), filed January 3, 1979. Applicant: CURTIS, INC., A Delaware Corporation, 4810 Pontiac Street, Commerce City, CO 80022. Representative: Roger M. Shaner (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meat*, *meat products*, and *meat byproducts* (except hides and commodities in bulk), in vehicles equipped with mechanical refrigeration, from Wichita, Great Bend, and Topeka, KS, to points in CA, OR, and WA, restricted to the transportation of traffic originating at the named origin points and destined to the indicated destination points. (Hearing site: Kansas City, KS.)

NOTE.—The certificate to be issued in this proceeding will be limited to a period expiring 3 years from its effective date unless, prior to its expiration (but not less than 6 months to its expiration) applicant files a petition for the extension of said certificate and demonstrates that it has been conducting operations in full compliance with the terms and conditions of its certificate and with the requirements of the Interstate Commerce Act and applicable Commission Regulations.

MC 113678 (Sub-774F), filed January 3, 1979. Applicant: CURTIS, INC., a Delaware corporation, 4810 Pontiac Street, Commerce City, CO 80022. Representative: Roger M. Shaner (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *cement admixtures*, in contain-

ers, from Atlanta, GA, to Colorado Springs, CO, Sidney, NE, and Rapid City, SD. (Hearing site: Denver, CO.)

NOTE.—The certificate to be issued in this proceeding will be limited to a period expiring 3 years from its effective date unless, prior to its expiration (but not less than 6 months prior to its expiration) applicant files a petition for the extension of said certificate and demonstrates that it has been conducting operations in full compliance with the terms and conditions of its certificate and with the requirements of the Interstate Commerce Act and applicable Commission Regulations.

MC 113678 (Sub-775F), filed December 31, 1979. Applicant: CURTIS, INC., a Delaware corporation, 4810 Pontiac Street, Commerce City, CO 80022. Representative: Roger M. Shaner (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs* and *alcoholic beverages*, (except commodities in bulk), from points in CT, DE, MD, MA, NJ, NY, PA, RI, and DC, to those points in the United States in and west of MI, OH, KY, MO, AR, and LA, (except AK and HI). (Hearing site: New York, NY, Boston, MA, and Philadelphia, PA.)

NOTES.—The certificate to be issued in this proceeding will be limited to a period expiring 3 years from its effective date unless, prior to its expiration (but not less than 6 months prior to its expiration) applicant files a petition for the extension of said certificate and demonstrates that it has been conducting operations in full compliance with the terms and conditions of its certificate and with the requirements of the Interstate Commerce Act and applicable Commission Regulations. (2) Issuance of a certificate is subject to the prior or coincidental cancellation, at applicant's written request, of the outstanding certificates in MC-113678 Sub-No. 177, issued March 3, 1967, Sub-No. 439, issued May 8, 1973, Sub-No. 478, issued May 17, 1974, Sub-No. 538, issued September 8, 1977, Sub-No. 313, issued May 20, 1969, Sub-No. 531, issued December 30, 1974, Sub-No. 188, issued March 16, 1967, Sub-No. 61, issued December 7, 1965, Sub-No. 67, issued August 18, 1965, Sub-No. 561, issued October 6, 1977, Sub-No. 576, issued February 7, 1978, Sub-No. 519, issued September 8, 1977, Sub-No. 182, issued April 20, 1967, Sub-No. 478, issued May 17, 1974, E101, effective April 4, 1975, E11, effective October 4, 1974, E13, effective October 23, 1974, E17, effective October 8, 1974, and E97, effective February 12, 1975. Issuance of a certificate is also subject to the prior or coincidental cancellation, at applicant's written request, of the duplicating portions of the outstanding certificates in MC-113678 Sub-No. 380, issued August 23, 1977, Sub-No. 463, issued August 28, 1973, Sub-No. 442, issued September 8, 1977, Sub-No. 348, issued August 20, 1970, Sub-No. 676, issued July 21, 1978. An underlying ETA seeks 90 days authority. 449, issued November 26, 1973, Sub-No. 442, issued September 8, 1977, Sub-No. 12, issued January 29, 1964, Sub-No. 543G, issued July 6, 1977, E32, effective April 4, 1975, E37, effective April 8, 1975, E22 effective May 17, 1975, E67, effective

April 8, 1975; and E63, effective April 8, 1975.

MC 114457 (Sub-458F), filed November 13, 1978. Applicant: DART TRAN-SIT COMPANY, a Corporation, 2120 University Ave., St. Paul, MN 55114. Representative: James H. Wills (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *frozen vegetables and frozen potato products*, from the facilities of Wiscold, Inc., at or near Beaver Dam and Milwaukee, WI, to points in the United States (except AK and HI). (Hearing site: San Francisco, CA, or St. Paul, MN.)

MC 114734 (Sub-28F), filed November 9, 1978. Applicant: D AND J TRANSFER CO., A CORPORATION, Sherburn, MN 56171. Representative: Lavern R. Holdeman, 521 South 14th Street, P.O. Box 81849, Lincoln, NE 68501. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meats, meat products and meat byproducts, and articles distributed by meat-packing houses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except hides, and commodities in bulk, in tank vehicles), from LeMars, IA, to points in IN, MI, MN, NE, and OH, under contract with Dubuque Packing Co., of Dubuque, IA. (Hearing site: Minneapolis, MN, or Omaha, NE.)

NOTE.—Dual operations may be involved in this proceeding.

MC 115654 (Sub-121F), filed November 8, 1978. Applicant: TENNESSEE CARTAGE CO., INC., P.O. Box 23193, Nashville, TN 37202. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 Thirteenth St. N.W., Washington, DC 20004. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *frozen foods*, from the facilities of Chef Pierre, Inc., at or near Forest, MS, to points in AL, AR, GA, IL, IN, KY, LA, MO, and TN, restricted to the transportation of traffic originating at the named origin and destined to the indicated destination. **CONDITION:** The certificate to be issued shall be limited to 3 years from its date of issue, unless, prior to its expiration (but not less than 6 months prior to its expiration), applicant files a petition for permanent extension of the certificate. (Hearing site: Forest, MS, or Nashville, TN.)

MC 115931 (Sub-75F), filed November 4, 1978. Applicant: BEE LINE TRANSPORTATION, INC., P.O. Box 3987, Missoula, MT 59801. Representative: Gene P. Johnson, P.O. Box 2471,

Fargo, ND 58102. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *rotary mowers, and chip spreaders*, from Oregon, IL, to points in CO, ID, MT, OR, UT, WA, and WY. (Hearing site: Chicago, IL.)

MC 116254 (Sub-271F), filed November 8, 1978. Applicant: CHEM-HAULERS, INC., 118 East Mobile Plaza, Florence, AL 35630. Representative: Randy C. Luffman (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *sulphuric acid*, in bulk, in tank vehicles, from Pascagoula, MS, to points in AL, FL, and GA. (Hearing site: Nashville or Memphis, TN.)

MC 116710 (Sub-36F), filed November 14, 1978. Applicant: MISSISSIPPI CHEMICAL EXPRESS, INC., a Mississippi Corporation, P.O. Box 6176, Bossier City, LA 71010. Representative: Kenneth R. Hoffman, 1102 Perry-Brooks Building, Austin, TX 78701. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *molten polypropylene*, in bulk, in tank vehicles, from the facilities of Crowley Chemical Company, Incorporated, at or near Crowley, LA, to points in the United States (except AK and HI), under contract with Crowley Chemical Company, Incorporated, of New York, NY. (Hearing site: New Orleans, LA, or Houston, TX.)

MC 117068 (Sub-107F), filed January 3, 1979. Applicant: MIDWEST SPECIALIZED TRANSPORTATION, INC., P.O. Box 6418, Rochester, MN 55901. Representative: Paul F. Sullivan, 711 Washington Bldg., Washington, DC 20005. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *flour and flour ingredients*, (except commodities in bulk), from Hastings, MN, and Alton, IL, to points in CO. (Hearing site: Chicago, IL.)

MC 117370 (Sub-33F), filed November 14, 1978. Applicant: STAFFORD TRUCKING, INC., 2155 Hollyhock Lane, Elm Grove, WI 53122. Representative: Richard A. Westley, 4506 Regent St., Suite 100, Madison, WI 53705. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting  *Bentonite clay, foundry sand, foundry sand additives, foundry sand ingredients, foundry facings, graphite ore, coke breeze, calcined petroleum coke, and cargon scrap*, from Green Bay, WI, to points in IL, MI, and MN. (Hearing site: Milwaukee, WI, or Chicago, IL.)

MC 117730 (Sub-33F), filed November 14, 1978. Applicant: KOUBENEC MOTOR SERVICE, INC., Route 47, Huntley, IL 60142. Representative: Albert A. Andrin, 180 N. La Salle St. Chicago, IL 60601. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *steel products and materials and supplies used in the manufacture or distribution of steel products*, between the facilities of Equipito (Division of Aurora Equipment Co., Inc.) at Aurora, IL, Tatamy, PA, and Dallas, TX. (Hearing site: Chicago, IL.)

MC 117730 (Sub-34F), filed November 14, 1978. Applicant: KOUBENEC MOTOR SERVICE, INC., Route 47, Huntley IL 60142. Representative: Stephen H. Loeb, Suite 200, 205 W. Touhy Ave., Park Ridge, IL 60068. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meats, meat products and meat byproducts, and articles distributed by meat-packing houses*, (except hides and commodities in bulk), as defined in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the facilities of Wilson Foods Corporation, at Monmouth, IL, to points in CT, DE, ME, MA, MD, NH, NJ, NY, PA, RI, VT, VA, WV, and DC, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Oklahoma City, OK, or Chicago, IL.)

MC 117940 (Sub-300F), filed November 14, 1978. Applicant: NATION-WIDE CARRIERS, INC., P.O. Box 104, 5300 Hwy 12, Maple Plain, MN 55359. Representative: Allan L. Timmerman (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such merchandise as is dealt in by discount and variety stores* (except foodstuffs and commodities in bulk), from the facilities of F. W. Woolworth Company, at or near Chicago, IL, to the facilities of F. W. Woolworth Company, at or near Minneapolis MN, restricted to the transportation of traffic originating at the named origin and destined to the indicated destination. (Hearing site: Chicago, IL.)

MC 117940 (Sub-301F), filed November 14, 1978. Applicant: NATION-WIDE CARRIERS, INC., P.O. Box 104 Maple Plain, MN 55359. Representative: Allan L. Timmerman, 5300 Highway 12, Maple Plain, MN 55359. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *frozen foods*, and (2) *materials and supplies used in the manu-*

facture and distribution of frozen foods, (except commodities in bulk), between the facilities of The Pillsbury Company, at or near Murfreesboro and Nashville, TN, on the one hand, and on the other, points in VA, WV, OH, PA, NY, NJ, MD, DE, KY, CT, MA, RI, VT, NH, ME, MI, NC, and DC, restricted to the transportation of traffic originating at or destined to the above-named facilities. (Hearing site: Minneapolis or St. Paul, MN.)

MC 118959 (Sub-192F), filed January 5, 1979. Applicant: JERRY LIPPS, INC., P.O. Drawer F, Cape Girardeau, MO 63701. Representative: Donald B. Levine, 39 S. La Salle St., Chicago, IL 60603. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between the warehouse facilities of Brokers Bonded Warehouse, Inc., at or near Cape Girardeau, MO, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Chicago, IL.)

MC 119654 (Sub-63F), filed October 30, 1978. Applicant: HI-WAY DISPATCH, INC., 1401 West 26th Street, Marion, IN 46952. Representative: Norman R. Garvin, 1301 Merchants Plaza, Indianapolis, IN 46204. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *Such commodities* as are dealt in or used by manufacturers of glass, chinaware, plastic products and metal products, (except commodities in bulk), between points in IA, IL, IN, KY, MI, MO, OH, PA, and WI, restricted to the transportation of traffic originating at or destined to the facilities of Anchor Hocking Corporation. (Hearing site: Indianapolis, IN, or Chicago, IL.)

MC 121060 (Sub-81F), filed November 14, 1978. Applicant: ARROW TRUCK LINES, INC., P.O. Box 1416, Birmingham, AL 35201. Representative: William P. Jackson, Jr., 3426 N. Washington Blvd., P.O. Box 1240, Arlington, VA 22210. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *pipe, and iron and steel articles*, from points in Jefferson and Shelby Counties, AL, to points in the United States (except AK and HI); and (2) *materials, equipment, and supplies used in the manufacture or distribution of the commodities named in (1)*, (except commodities in bulk), in the reverse direction. (Hearing site: Birmingham, AL.)

MC 121658 (Sub-14F), filed January 2, 1979. Applicant: STEVE D. THOMPSON TRUCKING, INC., 1205 Percy Street, Winnsboro, LA 71295. Representative: Donald B. Morrison, 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, MS 39205. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Little Rock, AR, and Junction City, LA, over U.S. Hwy 167, serving all intermediate points and serving Camden, AR, as an off-route point, (2) between Little Rock, AR, and Mer Rouge, LA, from Little Rock over U.S. Hwy 65 to junction U.S. Hwy 165 at or near Dermott, AR, then over U.S. Hwy 165 to Mer Rouge, LA, and return over the same route, serving all intermediate points, and (3) between the junction of U.S. Hwy 65 and U.S. Hwy 165 at or near Dermott, AR, and Lake Providence, LA, over U.S. Hwy 65, serving all intermediate points, restricted in (1), (2), and (3) above against service between Shreveport, LA, and Little Rock, AR, and further restricted against service between Little Rock, AR, and Memphis, TN. (Hearing site: Little Rock, AR, and Monroe, LA.)

MC 123294 (Sub-44F), filed November 2, 1978. Applicant: WARSAW TRUCKING CO., INC., 1102 West Winona, Warsaw, IN 46580. Representative: H. E. Miller, Jr., South Haven Square, U.S. Highway 6, Valparaiso, IN 46383. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *Paper and paper products*, from Troy and Urbana, OH, to points in IL, IN, IA, MI, MN, MO, and WI. (Hearing site: Columbus or Cincinnati, OH.)

MC 123294 (Sub-45F), filed November 2, 1978. Applicant: WARSAW TRUCKING CO., INC., 1102 West Winona, Warsaw, IN 46580. Representative: H. E. Miller, Jr., South Haven Square, U.S. Highway 6, Valparaiso, IN 46383. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *asphalt* (except in bulk), from the facilities of Witco Chemical Corporation, at Lawrenceville, IL, to points in IN and OH. (Hearing site: Chicago, IL.)

MC 123294 (Sub-46F), filed November 2, 1978. Applicant: WARSAW TRUCKING CO., INC., 1102 West Winona, Warsaw, IN 46580. Representative: H. E. Miller, Jr., South Haven Square, U.S. Highway 6, Valparaiso, IN 46383. To operate as a

*common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *aluminum ingots*, from Cleveland, OH, to those points in the United States in and east of ND, SD, NE, KS, OK, and TX; and (2) *aluminum scrap*, in the reverse direction. (Hearing site: Chicago, IL.)

MC 123405 (Sub-63F), filed January 5, 1979. Applicant: FOOD TRANSPORT, INC., a Delaware corporation, R. D. No. 1, Thomasville, PA 17364. Representative: Christian V. Graf, 407 North Front Street, Harrisburg, PA 17101. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1)(a) *petroleum, petroleum products, vehicle body sealer, and sound deadener compounds*, (except commodities in bulk in tank vehicles), and (b) *fillers*, from points in Warren County, MS, to points in AL, AZ, AR, CA, CO, CT, DE, FL, GA, KY, LA, MD, MA, NJ, NY, NM, NC, OH, OK, PA, RI, SC, TN, TX, VA, WV, and DC, and (2)(a) *petroleum, petroleum products, vehicle body sealer, sound deadener compounds, and fillers*, and (b) *materials, equipment, and supplies used in the manufacture and distribution of the commodities in (1) above*, (except commodities in bulk, in tank vehicles), from points in AL, GA, KY, NY, OH, OK, PA, RI, SC, VA, and WV, to points in Warren County, MS, restricted in (1) and (2) above, to the transportation of traffic originating at or destined to the facilities of Quaker State Oil Refining Corporation, in Warren County, MS. (Hearing site: Washington, DC.)

MC 124004 (Sub-46F), filed October 18, 1978. Applicant: RICHARD DAHN, INC., 620 West Mountain Road, Sparta, NJ 07871. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *lime, limestone, and limestone products*, from the facilities of Bethlehem Steel, at Annville, PA, to the facilities of Limestone Products Corp., at Lafayette, NJ; (2) *dry fertilizer and fertilizer ingredients*, in bulk, in dump vehicles, from Hopewell, VA, to points in DE, MD, NJ, PA, VA, WV, and NC; (3) *coke*, from Buffalo, NY, to points in CT, MA, MI, NH, OH, PA, RI, VT, WV, NJ, and ME; and (4) *ilmenite ore*, from Sayreville, NJ, to Baltimore, Md. (Hearing site: Washington, DC, or New York, NY.)

MC 124141 (Sub-4F), filed November 21, 1978. Applicant: JULIAN MARTIN, INC., P.O. Box 3348, Highway 25 West, Batesville, AR 72501. Representative: Theodore Polydoroff, Suite 301, 1307 Dolly Madison Blvd.



To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *pickles*, and *pickle products*, (1) from Bridgeport, Imlay City, and Memphis, MI, and Millsboro, DE, to Greenville, MS, and (2) from Greenville, MS, to points in the United States (except AK and HI). (Hearing site: Washington, DC.)

NOTE.—Dual operations may be involved.

MC 124154 (Sub-70F), filed October 27, 1978. Applicant: WINGATE TRUCKING COMPANY, INC., P.O. Box 645, Albany, GA 31702. Representative: Thomas F. Panebianco, P.O. Box 1200, Tallahassee, FL 32302. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *machinery, baler presses, and shears*, and (2) *materials* used in the manufacture of the commodities in (1), (except commodities in bulk), between points in Crisp County, GA, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Atlanta or Albany, GA.)

MC 126555 (Sub-64F), filed January 10, 1979. Applicant: UNIVERSAL TRANSPORT, INC., Box 3000, Rapid City, SD 57709. Representative: Truman A. Stockton, Jr., The 1650 Grant St. Bldg., Denver, CO 80203. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *ben-tonite*, from points in WY, to points in the United States (including AK but excluding HI). (Hearing site: Chicago, IL, or Denver, CO.)

NOTE.—Dual operations may be involved.

MC 129480 (Sub-37F), filed November 14, 1978. Applicant: TRI-LINE EXPRESSWAYS, LTD., a corporation, 550 71st Ave., SE., Calgary, Alberta, Canada T2H 0S6. Representative: Richard S. Mandelson, 1600 Lincoln Center Bldg., 1660 Lincoln St., Denver, CO 80264. To operate as a *common carrier*, by motor vehicle, in foreign commerce, over irregular routes, transporting *lumber, lumber products, forest products, and wood products*, between ports of entry on the International Boundary line between the United States and Canada at points in WA, ID, MT, ND, and MN, on the one hand, and, on the other, points in AZ, CA, CO, NV, NM, OK, TX, and UT. (Hearing site: Seattle, WA, or Denver, CO.)

MC 133119 (Sub-153F), filed January 2, 1979. Applicant: HEYL TRUCK LINES, INC., P.O. Box 206, Akron, IA 51001. Representative: A. J. Swanson, P.O. Box 81849, Lincoln, NE 68501. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, trans-

porting *meats, meat products and meat byproducts, and articles distributed by meat-packing houses*, as described in Sections A and C of Appendix I to the report in *descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except hides and commodities in bulk), from Le Mars, IA, to points in the United States (except AK, CT, DE, HI, ME, MD, MA, NH, NJ, NY, OH, PA, RI, VA, VT, WV, and DC), restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Le Mars, IA, or Omaha, NE.)

MC 133466 (Sub-1F), filed November 9, 1978. Applicant: FORT CALHOUN EXPRESS, INC., P.O. Box 12127, Fort Calhoun, NE 68023. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *materials, equipment, and supplies* used in the manufacture and distribution of aluminum foil products, aluminum scrap, and mortar fuses and fins, from points in the United States (except AK and HI), to the facilities of Wilkinson Manufacturing Company, at Fort Calhoun, NE, under contract with Wilkinson Manufacturing Company, of Fort Calhoun, NE. CONDITION: With respect to mortar fuses only, the certificate in this proceeding will expire 5 years from the date of issuance. (Hearing site: Omaha, NE.)

MC 133591 (Sub-55F), filed November 21, 1978. Applicant: WAYNE DANIEL TRUCK, INC., P.O. Box 303, Mount Vernon, MO 65712. Representative: Harry Ross, 58 South Main St., Winchester, KY 40391. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *frozen foodstuffs*, from Los Angeles, CA, to points in TX, OK, KS, MO, AR, and LA. (Hearing site: Los Angeles, CA.)

NOTE.—Dual operations may be involved.

MC 134105 (Sub-31F), filed November 22, 1978. Applicant: CELERY-VALE TRANSPORT, INC., 1318 East 23rd Street, Chattanooga, TN 37404. Representative: Daniel O. Hands, Suite 200, 205 West Touhy Avenue, Park Ridge, IL 60068. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *confectionery and confectionery products*, (except commodities in bulk), from the facilities of Charms Company, at or near Covington, TN, to points in AL, AR, CO, FL, GA, IL, IN, IA, KS, KY, LA, MI, MN, MS, MD, NE, NC, ND, OH, OK, SC, SD, TX, and WI, restricted to the transportation of traffic originating at the named origin and

destined to the indicated destinations. (Hearing site: Chicago, IL.)

MC 134238 (Sub-14F), filed January 10, 1979. Applicant: GENE'S, INC., 10115 Brookville-Salem Road, Clayton, OH 45315. Representative: Paul F. Beery, 275 East State Street, Columbus, OH 43215. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in or used by grocery and food business houses, (except commodities in bulk), between the facilities of The Kroger Co., at Cincinnati, Columbus, and Newark, OH, on the one hand, and, on the other, points in the United States (except AK and HI), under contract with The Kroger Co., of Cincinnati, OH. (Hearing site: Columbus, OH.)

NOTE.—Dual operations are involved in this proceeding.

MC 134477 (Sub-286F), filed November 15, 1978. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, MN 55118. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *carpeting*, from Dalton, GA, to points in IL, IN, IA, MN, NE, ND, SD, and WI, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: St. Paul, MN.)

MC 134477 (Sub-288F), filed November 15, 1978. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, MN 55118. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *green coffee*, in bags, from New York, NY, to Minneapolis, MN. (Hearing site: St. Paul, MN.)

MC 136220 (Sub-63F), filed November 7, 1978. Applicant: SULLIVAN'S TRUCKING COMPANY, INC., P.O. Box 2164, Ponca City, OK 74601. Representative: G. Timothy Armstrong, Suite 200, Timbergate Office Gardens, 6161 N. May Ave., Oklahoma City, OK 73112. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *alfalfa products*, from points in KS, to points in AR, OK, and TX; (2) *fish meal*, from Abbeville, Cameron, Dulac, Empire, and Holmwood, LA, Port Arthur, Corpus Christi, and Galveston, TX, and Gulfport, MS, to points in AR, OK, and MS; and (3) *Tankage, and meat and bone meal*, between points in



AR, CO, KS, LA, MS, MO, NM, OK, and TX. (Hearing site: Oklahoma City, OK, or Kansas City, MO.)

MC 136220 (Sub-64F), filed November 14, 1978. Applicant: SULLIVAN'S TRUCKING COMPANY, INC., P.O. Box 2164, Ponca City, OK 74601. Representative: G. Timothy Armstrong, Suite 200, Timbergate Office Gardens, 6161 North May Avenue, Oklahoma City, OK 73112. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *pig iron and ferroalloys*, in dump vehicles, between Little Rock and Ft. Smith, AR, New Orleans, LA, Houston, TX, Memphis and Woodstock, TN, St. Louis, MO, and Port of Catoosa, OK, on the one hand, and, on the other, points in AL, AR, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, OH, OK, TN, TX, and WI and (2) *aluminum dross, aluminum scrap, and smelting residue*, in bulk in dump vehicles, between points in AL, AR, GA, IL, IN, IA, KS, KY, LA, MI, MN, MO, OH, OK, TN, TX, and WI. (Hearing site: Oklahoma City, OK, or Kansas City, MO.)

MC 136911 (Sub-5F), filed November 22, 1978. Applicant: PACKAGE EXPRESS, INC., A Delaware Corporation, 22 Tyler St., Springfield, MA 01109. Representative: David M. Marshall, 101 State St., Suite 304, Springfield, MA 01103. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in or used by the manufacturers and distributors of cosmetics, (1) between Springfield, MA, on the one hand, and, on the other, points in Windham, Bennington, Rutland, and Windsor Counties, VT, (2) between Middlesex, VT, on the one hand, and, on the other, points in VT, and (3) between Rye, NY, on the one hand, and, on the other, points in VT and in Berkshire, Franklin, Hampshire, Hampden and Worcester Counties, MA, and points in Litchfield, Hartford, Tolland, and Windham Counties, CT, restricted to the transportation of packages or articles not exceeding 75 pounds per package and not exceeding 400 pounds per shipment from one consignor at one location to one consignee at one location on any (1) day. (Hearing site: Hartford, CT, or Albany, NY.)

MC 138126 (Sub-32F), filed November 3, 1978. Applicant: WILLIAMS REFRIGERATED EXPRESS, INC., P.O. Box 47, Old Denton Road, Federalsburg, MD 21632. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 Fifteenth St., NW., Washington, DC 20005. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *petroleum and petroleum products, vehicle body sealers, and deadener compounds*, (except commodities in bulk), and (2) *containers*, when moving in mixed loads with the commodities in (1) above, from the facilities of Pennzoil Co., at Oil City and Rouseville, PA, and the facilities of Wolf's Head Oil Refining Co., at Reno, PA, to points in DE, MD, and VA. (Hearing site: Washington, DC.)

MC 138237 (Sub-8F), filed September 21, 1978. Applicant: METRO HAULING, INC., 20848 77th Ave. South, Kent, WA 98301. Representative: Jack R. Davis, 1100 IBM Bldg., Seattle, WA 98101. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *construction materials, equipment, and supplies*, (except lumber and wood products), and (2) *lumber and wood products*, between points in ID, MT, OR, and WA. (Hearing site: Seattle, WA, or Portland, OR.)

MC 138469 (Sub-99F), filed January 5, 1979. Applicant: DONCO CARRIERS, INC., P.O. Box 75354, Oklahoma City, OK 75354. Representative: K. E. McLinn (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *plastic bags and plastic on rolls*, from the facilities of B-BAR-B, Inc., at New Albany, IN, to points in CA, NV, OR, and WA, restricted to the transportation of traffic originating at the named origin. (Hearing site: Chicago, IL.)

MC 138550 (Sub-1F), filed November 13, 1978. Applicant: W. SMITH CARTAGE COMPANY, INC., 2711 Crystal Rd., Cary, IL 60013. Representative: James R. Madler, Rm. 718, 120 W. Madison St., Chicago, IL 60602. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, and commodities in bulk), between Chicago, IL, and points in McHenry County, IL, restricted to the transportation of traffic having a prior or subsequent movement by rail, air, or water, or moving on a bill of lading issued by a freight forwarder. (Hearing site: Chicago, IL.)

MC 138627 (Sub-42F), filed October 30, 1978. Applicant: SMITHWAY MOTOR XPRESS, INC., P.O. Box 404, Fort Dodge, IA 50501. Representative: Arlyn L. Westergren, Suite 106, 7101 Mercy Rd., Omaha, NE 68106. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *lumber and lumber mill products*, from Oshkosh, WI, to points in AR, IL, IN, IA, KS, MN, MO, MI,

NE, ND, OK, and SD. (Hearing site: Chicago, IL, or Omaha, NE.)

MC 138875 (Sub-124F), filed January 5, 1979. Applicant: SHOEMAKER TRUCKING COMPANY, a corporation, 11900 Franklin Road, Boise, ID 83705. Representative: F. L. Sigloh (Same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *frozen foods, and dehydrated potatoes*, (a) from the facilities of Ore-Ida Foods, Inc., at Ontario, OR, and Fruitland, Boise, Anapa, Borah, and Burley, ID, to the facilities of Ore-Ida Foods, Inc., at Plover, WI, and (b) from Firth, ID, to the facilities of Ore-Ida Foods, Inc., at Plover, WI, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Boise, ID, or Washington, DC.)

MC 138875 (Sub-125F), filed January 8, 1979. Applicant: SHOEMAKER TRUCKING COMPANY, a corporation, 11900 Franklin Road, Boise, ID 83705. Representative: F. L. Sigloh (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *china toilets*, from points in Lee County, MS, to points in CA, ID, OR, UT, and WA, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Los Angeles, CA, or Washington, DC.)

MC 138875 (Sub-126F), filed January 8, 1979. Applicant: SHOEMAKER TRUCKING COMPANY, a corporation, 11900 Franklin Road, Boise, ID 83705. Representative: F. L. Sigloh (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in by distributors of office equipment and supplies, from points in CA, to the facilities of Southworth, Incorporated, in ID, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Boise, ID, or Washington, DC.)

MC 138875 (Sub-127F), filed January 8, 1979. Applicant: SHOEMAKER TRUCKING COMPANY, a corporation, 11900 Franklin Road, Boise, ID 83705. Representative: F. L. Sigloh (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *materials and supplies* used in the manufacture of mobile homes, recreational vehicles, and campers (except commodities in bulk), from points in IN to points in ID, OR, and

WA, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Boise, ID, or Portland, OR.)

MC 139330 (Sub-3F), filed November 14, 1979. Applicant: F. V. T. TRUCKING, INC., 106 Howard Dr., Williamstown, NJ 08094. Representative: Pauline E. Myers, 407 Walker Bldg., 734 15th St., NW, Washington, DC 20005. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *insulating materials* (except in bulk), from the facilities of CertainTeed Products Corporation, at or near Mountaintop, PA, to points in DE, MD, VA, and those in NY on and east of Interstate Hwy 81. (Hearing site: Philadelphia, PA, or Washington, DC.)

MC 139495 (Sub-398F), filed November 8, 1978. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, KS 67901. Representative: Herbert Alan Dubin, 1320 Fenwick Lane, Silver Spring, MD 20910. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *sugar* (except in bulk), from points in LA, to points in AZ, CA, CO, FL, GA, IN, IA, KS, MN, MO, NM, NC, OH, OK, TN, TX, UT, and WI. (Hearing site: New Orleans, LA.)

CONDITION.—Issuance of this certificate is subject to prior or coincidental cancellation, at applicant's written request, of Certificates Nos. MC-139495 Subs 64 and 109.

MC 139587 (Sub-12F), filed November 13, 1978. Applicant: BROWN REFRIGERATED EXPRESS, INC., P.O. Box 603, Fort Scott, KS 66701. Representative: Wilburn L. Williamson, 280 National Foundation Life Bldg., 3535 N.W. 58th St., Oklahoma City, OK 73112. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *malt beverages* (except commodities in bulk), from points in Jefferson County, CO, to points in MO and WA; and (2) *materials and supplies* used in the manufacture and distribution of malt beverages (except commodities in bulk), in the reverse direction. (Hearing site: Denver, CO.)

NOTE: Dual operations are involved.

MC 140241 (Sub-37F), filed November 24, 1978. Applicant: DALKE TRANSPORT, INC., Box 7, Moundridge, KS 67107. Representative: Larry E. Gregg, 641 Harrison St., Topeka, KS 66603. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *cement pipe*, and *fittings* for cement pipe, from Van

Buren, AR, to those points in the United States in and west of MN, IA, MO, AR, and LA (except AK and HI). (Hearing site: Kansas City, or St. Louis, MO.)

MC 140389 (Sub-44F), filed December 15, 1978. Applicant: OSBORN TRANSPORTATION, INC., P.O. Box 1830, Gadsden, AL 35902. Representative: Clayton R. Byrd, P.O. Box 12566, Atlanta, GA 30315. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *glass beads, glass spheres, and thermoplastic marking materials*, and (2) *materials, equipment, and supplies* used in the application of the commodities in (1) above, from Jackson, MS, to points in AL, AZ, CA, CO, FL, GA, ID, MT, NV, NM, NC, OR, SC, TN, UT, WA, and WY, restricted to the transportation of traffic originating at the named origin, and destined to the indicated destination. (Hearing site: Jackson, MS, or Atlanta, GA.)

MC 141684 (Sub-4F), filed November 1, 1978. Applicant: COMMAND CARGO CORPORATION, 7950 E. Baltimore Street, Baltimore, MD 21224. Representative: James E. Savitz, Suite 145, 4 Professional Drive, Gaithersburg, MD 20760. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, transporting *general commodities* (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities which because of size or weight require the use of special equipment, commodities in bulk, commercial papers, documents and written instruments as are used in the business of banks and banking institutions, stocks, bonds, securities, negotiable instruments, and live laboratory animals), between Alexandria, VA, and points in Fairfax County, VA, on the one hand, and, on the other, points in VA, MD, DE, and DC, restricted against the transportation of articles weighing in the aggregate more than 350 pounds from one consignor to one consignee in any one day, and against the transportation of tissue cultures and biological products to or from points in Howard, Montgomery, and Frederick Counties, MD, and DC. (Hearing site: Washington, DC.)

MC 141740 (Sub-9F), filed November 15, 1978. Applicant: STOOPS EXPRESS, INC., 2239 Malibu Ct., Anderson, IN 46015. Representative: Donald W. Smith, P.O. Box 40659, Indianapolis, IN 46240. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *electrical components*, from Lexington and Florence, KY, Oxford and Middletown, OH, Dallas, TX, and Peru, IN, to points in

CA, under contract with Square D Company, of Florence, KY. (Hearing site: Louisville, KY.)

NOTE.—Dual operations may be involved in this proceeding.

MC 141804 (Sub-145F), filed October 16, 1978. Applicant: WESTERN EXPRESS, DIVISION OF INTERSTATE RENTAL, INC., a Nevada corporation, P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *household appliances* and parts thereof from Mansfield, OH, Nashville and Springfield, TN, Murray, KY, and Dalton, GA, to points in AZ, CA, CO, ID, MT, NV, UT, NM, OR, WA, and WY, restricted to the transportation of traffic originating at the facilities of The Tappan Company. (Hearing site: Los Angeles or San Francisco, CA.)

MC 141914 (Sub-47F), filed November 9, 1978. Applicant: Franks and Sons, Inc., Route 1, Box 108-A, Big Cabin, OK 74332. Representative: Kathrena J. Franks (Same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, transporting (1) *nutritional food supplements*, from Norman, OK, to points in the United States, (except AK and HI); and (2) *raw materials* used in the manufacture of the commodities in part (1), in the reverse direction. (Hearing site: Oklahoma City, OK.)

MC 142051 (Sub-4F), filed November 21, 1978. Applicant: MOYER PACKING TRANSPORTATION COMPANY, A Corporation, P.O. Box 395, Allentown Rd., Souderton, PA 18964. Representative: Edwin L. Scherlls, Suite 420, 1315 Walnut St., Philadelphia, PA 19107. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *hides, tallow, blood, animal fat, raw offal, fat, bones, and meal*, between the facilities of Moyer Packing Company, located in PA, on the one hand, and, on the other, points in CT, MD, MA, NJ, NY, OH, RI, VA, and WV, under contract with Moyer Packing Company, of Souderton, PA. (Hearing site: Philadelphia, PA.)

MC 142059 (Sub-58F), filed January 5, 1979. Applicant: CARDINAL TRANSPORT, INC., 1830 Mound Rd., Joliet, IL 60436. Representative: Jack Riley (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *iron and steel articles*, from the facilities of Maverick Tube Corporation, at or near Union, MO, to points in the United States (except AK and

HI). (Hearing site: St. Louis, MO, or Washington, DC.)

MC 142820 (Sub-3F), filed November 13, 1978. Applicant: ODEX EXPRESS, INC., 169 Avenue F, Bayonne, NJ 07002. Representative: Arthur J. Piken, One Lefrak City Plaza, Flushing, NY 11368. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (A)(1) *fat and trimmings* (except in bulk), in vehicles equipped with mechanical refrigeration, from points in OH, to Carteret, NJ, and (2) *shortening* (except in bulk), in vehicles equipped with mechanical refrigeration, from Carteret, NJ, to points in OH, under contract with Intercon Co., Inc., of Carteret, NJ; and (B)(1) *animal feed, animal feed ingredients, and animal feed additives*, and (2) *materials and supplies used in the manufacture or distribution of the commodities named in (B)(1)*, from the facilities of Kal Kan Foods, Inc., at or near Columbus, OH, to points in CT, ME, MA, NH, NJ, NY, PA, RI, and VT, under contract with Kal Kan Foods, Inc., of Vernon, CA. (Hearing site: New York, NY.)

MC 143031 (Sub-10F), filed November 22, 1978. Applicant: LLOYD PAUL MURPHY, JAMES EDWARD MURPHY, TIMOTHY PAUL MURPHY, and ERNEST STEWART MURPHY, a partnership, d/b/a MURPHY & SONS, Route 2, Box 139, Spring City, TN 37381. Representative: Stan Guthrie, Suite 500, Dome Building, Chattanooga TN 37402. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *scrap steel*, from the facilities of Dayton Products, at Dayton, TN, to the facilities of Nicroloy, at or near Heidelberg, PA; and (2) *raw steel*, from the facilities of (a) Washington Steel Corporation at or near Washington, PA, and (b) Washington Allegheny Ludlum Corporation, at or near New Castle, and West Linchburg, PA, to the facilities of Dayton Products, Inc., at or near Dayton, TN, under contract in (1) and (2) above, with Dayton Products, Inc., of Dayton, TN. (Hearing site: Chattanooga or Nashville, TN.)

MC 143059 (Sub-42F), filed January 8, 1979. Applicant: MERCER TRANSPORTATION CO., A Texas Corporation, P.O. Box 35610, Louisville, KY 40232. Representative: J. L. Stone (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *sulphur*, in bags, and (2) *bags*, between the facilities of International Chemicals, Inc., at or near Mt. Pleasant, TX, and Middlepoint, OH, on the one and, and, on the other, in

AL, AZ, AR, IL, IN, IA, KS, KY, LA, MS, NM, NC, OH, PA, TN, TX, UT, VA, and WV, restricted to the transportation of traffic originating at or destined to the named facilities at (Hearing site: Louisville, KY, or Washington, DC.)

MC 143267 (Sub-42F), filed November 15, 1978. Applicant: CARLTON ENTERPRISES, INC., 4588 State Route 82, Mantua, OH 44255. Representative: Neal Jackson, Madison Office Bldg., Suite 811, 1155-15th St., NW., Washington, DC 20005. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *plastic pipe and plastic pipe fittings*, from the facilities of Hurlbut Plastic Pipe Corp., at Madison, WI, to points in IL, IN, MI, MO, NY, OH, and PA. (Hearing site: Washington, DC, or Cleveland, OH.)

MC 143836 (Sub-2F), filed November 9, 1978. Applicant: BKK CORPORATION, d.b.a. CHANCELLOR & OGDEN, 3021 E. I St., Wilmington, CA 90744. Representative: R. Y. Schureman, 1545 Wilshire Blvd., Los Angeles, CA 90017. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *hazardous waste materials*, from points in the United States (except AK and HI), to points in CA and NV. (Hearing site: Los Angeles, CA.)

MC 144110 (Sub-4F), filed November 14, 1978. Applicant: KANE TRANSPORT, INC., P.O. Box 126, Sauk Centre, MN 56378. Representative: Gene P. Johnson, P.O. Box 2471, Fargo, ND 58108. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *anhydrous ammonia*, in bulk, in tank vehicles, from the facilities of Farmland Industries, Inc., at or near Barnesville and Benson, MN, to points in MT, ND, SD, and WY. (Hearing site: Fargo, ND.)

MC 144117 (Sub-20F), filed November 15, 1978. Applicant: TLC LINES, INC., P.O. Box 1090, Fenton, MO 63026. Representative: Bernard J. Kompare, 10 S. LaSalle St., Suite 1600, Chicago, IL 60603. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *starch and chemicals*, (except commodities in bulk) and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above (except commodities in bulk), from the facilities of National Starch and Chemical Company, at or near Meredosia, IL, Indianapolis, IN, and Bloomfield, Flinderne, and Plainfield, NJ, to points in AZ, CA, ID, NV, NM, OR, TX, UT, and

WA, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: New York, NY, or Chicago, IL.)

MC 144244 (Sub-4F), filed July 31, 1978, and previously noticed in the FEDERAL REGISTER issue of October 12, 1978. Applicant: CRESTON TRANSPORTATION, INC., East Highway 34, Creston, IA 50801. Representative: Frank W. Davis, Jr., 2600 Ruan Center, Des Moines, IA 50309. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1)(a) *feed and feed ingredients*, from points in AR, MN, SD, ND, NE, KS, MO, and IL (b) *fertilizer*, from points in AR, MN, NE, KS, MO, and IL (c) *steel products*, from points in MN, KS, and IL, and (d) *lumber and building materials*, from points in MO, IL, WI, NE, KS, and AR, to Creston and Benton, IA, and (2)(a) *seed*, from points in MN, ND, SD, NE, and MO, and (b) *liquefied petroleum gas*, from points in NE, KS, and IL, to Creston, IA. With respect to liquefied petroleum gas only, the certificate shall be limited in point of time to a period expiring 5 years from date of issue. This republication replaces MI with MN throughout. (Hearing site: Des Moines, IA.)

MC 144969 (Sub-6F), filed January 10, 1979. Applicant: WHEATON CARTAGE CO., a corporation, Millville, NJ 08332. Representative: E. Stephen Helsley, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, DC 20001. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *plastic articles and packaging supplies* and (2) *materials, equipment and supplies* used in the manufacture, sale or distribution of the commodities in (1) above (except commodities in bulk), between the facilities of W. R. Grace & Company, Form Pac Division, at or near Reading, PA, on the one hand, and on the other, points in the United States (except AK and HI). (Hearing site: Philadelphia, PA.)

NOTE.—Dual operations may be involved in this proceeding.

MC 145119F, filed July 25, 1978. Applicant: LINT TRANSFER, INC., 4549 Delaware Ave., Des Moines, IA 50313. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *tires and inner tubes*, and (2) *equipment and materials* used in the manufacture, distribution, and repair of tires and inner tubes (except commodities in bulk), between the facilities of The Firestone

Tire & Rubber Company, at Des Moines, IA, on the one hand, and, on the other, Rock Island, IL, and points in NE, under contract with The Firestone Tire & Rubber Company, of Akron, OH. (Hearing site: Des Moines, IA, or Chicago, IL.)

NOTE.—This republication shows the additional grant of inner tubes in part (1) above.

MC 145381 (Sub-2F), filed November 21, 1978. Applicant: S & P TRUCKING CO., INC., P.O. Box 1058, Fletcher, NC 28732. Representative: Eric Meierhoefer, Suite 423, 1511 K St., NW., Washington, DC 20005. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *dialysis supplies*, and *dialysis equipment*, (except commodities in bulk), between McAllen, TX, and points in NJ, on the one hand, and, on the other, points in the United States (except AK and HI), under contract with Erika, Inc., of Rockleigh, NJ. (Hearing site: Washington, DC.)

MC 145704F, filed November 8, 1978. Applicant: G. P. BOURROUS TRUCKING CO., INC., Route 1, 380, Diboll, TX 75941. Representative: Harold R. Ainsworth, 2307 American Bank Building, New Orleans, LA 70130. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *lumber*, from the facilities of E & L Lumber Co., Inc., at or near Woodville, TX, to points in LA; and (2) (a) *sawdust* and (b) *sawdust in mixed loads* with bark which is exempt from economic regulation, from the facilities of E & L Lumber Co., Inc., at or near Woodville, TX, to the facilities of Boise Southern Paper Mill, at or near De Ridder, LA. (Hearing site: Houston, TX.)

MC 145716 (Sub-1F), filed November 8, 1978. Applicant: INTERNATIONAL TRANSPORTATION SERVICE, INC., Suite 1-M, 3300 Northeast Expressway, Atlanta, GA 30341. Representative: J. Michael May, Suite 508, 1447 Peachtree St., NE., Atlanta, GA 30309. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *charcoal* in bags, from Meta, Steelville, and Wesco, MO, Paris, AR, and Jacksonville, TX, to Cleveland, OH. (Hearing site: Columbus, OH, or Atlanta, GA.)

NOTE.—Dual operations are involved in this proceeding.

MC 145791F, filed November 26, 1978. Applicant: JAMES B. MILLER, d/b/a J. B. MILLER ENTERPRISES, 405 Hansen Ave., Butler, PA 16001. Representative: Arthur J. Diskin, 806 Frick Bldg., Pittsburgh, PA 15219. To operate as a *contract carrier*, by motor

vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in or used by distributors of cosmetics, toilet preparations and jewelry, from Butler, PA, to points in Armstrong, Beaver, Butler, Cameron, Clarion, Clearfield, Crawford, Elk, Erie, Forest, Indiana, Jefferson, Lawrence, Mercer, McKean, Venango, and Warren, PA, and those in Brooke and Hancock Counties, WV, under contract with Avon Products, Inc., of Newark, DE. (Hearing site: Pittsburgh, PA, or Washington, DC.)

MC 145831F, filed November 24, 1978. Applicant: ANTHONY G. AYALA, d/b/a QUEEN CITY TRUCKING, 7808 South 208th Kent, WA 98031. Representative: Ronald P. Erickson, 2120 Pacific Bldg., Seattle, WA 98104. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *aluminum products*, from points in MT, to points in WA, under contract with Teller Metal Company, of Los Angeles, CA. (Hearing site: Seattle, WA.)

MC 145985F, filed December 18, 1978. Applicant: GARY L. HARTWIG AND NATHAN J. HARE, d/b/a GREEN COUNTY EXPRESS, Box 475, Lena, IL 61048. Representative: Robert T. Lawley, 300. Reisch Bldg. Springfield, IL 62701. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *such commodities* as are dealt in or used by grocery and food business houses, between points in IA, IL, IN, KY, MI, MO, MN, NY, OH, PA, and WI, under contract with Kraft, Inc., of Chicago, IL. (Hearing site: Chicago, IL.)

MC 1934 (Sub-41F), filed November 3, 1978. Applicant: The Arrow Line, Inc., 105 Cherry Street, East Hartford, CT 06108. Representative: Dominick T. Bisesti (Same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *passengers and their baggage* in the same vehicle with passengers, in special operations, beginning and ending at East Hartford, CT, and Hartford, CT, and extending to Aqueduct Race Track, New York, Belmont Race Track, Belmont, NY, and Yonkers Raceway, Yonkers, NY. (Hearing site: Hartford, CT.)

MC 145988F, filed December 20, 1978. Applicant: JAMES M. McNULTY, R.D. Box 52-M, Patton, PA 16668. Representative: Francis J. Leahy, Jr., 107 East Lloyd Street, Ebensburg, PA 15931. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *passengers and their baggage*, in the same

vehicle with passengers, limited to the transportation of rail crews and employees of Consolidated Rail System, between points in Clinton, Lycoming, and Tioga Counties, PA, and those in Steuben, Allegany, Cattaraugus, Wyoming, and Erie Counties, NY, under contract with Consolidated Rail System, of Altoona, PA. (Hearing site: Ebensburg or Pittsburgh, PA.)

MC 130545F, filed January 9, 1979. Applicant: PEGGY B. BATES, d/b/a P & B TRAVELS, 107 South Cecil Street, Lexington, NC 27292. To engage in operations, in interstate or foreign commerce, as a *broker*, at Lexington, NC, in arranging for the transportation, by motor vehicle, of *passengers and their baggage* in the same vehicle with passengers, in special and charter operations, between Lexington, NC, on the one hand, and, on the other, points in the United States (including AK and HI). (Hearing site: Charlotte or Raleigh, NC.)

NOTE: Applicant is cautioned that arrangements for charter parties or groups should be made in conformity with the requirements set forth in *Taucek Tours, Inc., Extension—New York, NY*, 54 M.C.C. 291 (1952).

[FR Doc. 79-5131 Filed 2-16-79; 8:45 am]

## [7035-01-M]

[Notice No. 23]

### MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

FEBRUARY 14, 1979.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of the authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness

and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

NOTE.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

#### MOTOR CARRIERS OF PROPERTY

MC 80430 (Sub-170TA), filed January 23, 1979. Applicant: GATEWAY TRANSPORTATION CO., INC., 455 Park Plaza Drive, LaCrosse, WI 54601. Representative: Lem Smith (same address as applicant). Common carrier; regular routes; *General commodities (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment)*, serving the facilities of Foldcraft Company at Kenyon, MN as an off-route point in connection with applicant's presently authorized regular route operations, for 180 days. Supporting Shipper(s): Foldcraft Co., 615 Centennial Drive, Kenyon, MN 55946. Send protests to: Gail Daugherty, Transportation Asst., Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building & Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wisconsin 53202.

MC 93649 (Sub-25TA), filed January 23, 1979. Applicant: GAINES MOTOR LINES, INC., P.O. Box 1654, Hickory, NC 28601. Representative: Edward G. Villalon, 1032 Pennsylvania Building, Pennsylvania Avenue & 13th Street, NW., Washington, DC 20004. *Textiles and textile products* from points in NC (except those within 45 miles of Maiden, NC), to points in DE, PA, NJ, RI, MA, and NY, NY, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): There are 19 shippers. Their statements may be examined at the office listed below and Headquarters. Send protests to: District Supervisor Terrell Price, 800 Briar Creek Rd-Rm CC516, Mart Office Building, Charlotte, NC 28205.

MC 99938 (Sub-7 TA), filed January 9, 1979. Applicant: VAN'S AUTO & AIR EXPRESS, INC., C.P.O. Box 609, Kingston, NY 12401. Representative: Bruce J. Robbins, Esq., Robbins & Newman, 118-21 Queens Boulevard, Forest Hills, NY 11375. *Common carrier*; irregular routes: *General commodities* (except those of unusual value,

Classes A and B explosives, livestock, household good when transported as a separate and distinct service in connection with so-called "household movings", commodities requiring dump or tank trucks, and those injurious or contaminating to other lading), between the facilities of Emery Air Freight Corp. at Stewart Airport, at or near Newburgh, NY, and at points in the NY, NY Commercial Zone. RESTRICTION: Restricted to shipments having a prior or subsequent movement by air, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Emery Air Freight Corp., Old Danbury Road, Wilton, Connecticut 06897. SEND PROTESTS TO: Robert A. Radler, District Supervisor, Interstate Commerce Commission, P.O. Box 1167, Albany, NY 12201.

MC 106195 (Sub-22 TA), filed January 16, 1979. Applicant: CLARK BROS. TRANSFER, INC., 900 North First, Norfolk, NE 68701. Representative: Arlyn L. Westergren, Suite 106, 7101 Mercy Road, Omaha, NE 68106. *Meats and packinghouse products*, from Norfolk, NE to points in IL, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Tim Adams, Dugdale Packing Co., Inc., P.O. Box 169, Norfolk, NE 68701. SEND PROTESTS TO: Carroll Russell, ICC, Suite 620, 110 N. 14th St., Omaha, NE 68102.

MC 107544 (Sub-148 TA), filed January 29, 1979. Applicant: LEMMON TRANSPORT CO., INC., P.O. Box 580, Marion, VA 24354. Representative: Daryl J. Henry (same address as applicant). Contract carrier, irregular routes: *Chemicals*, in bulk, in tank vehicles from Charleston, TN to points in AR for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Olin Corporation, 120 Long Ridge Road, Stamford, CT 06904. SEND PROTESTS TO: Paul D. Collins, District Supervisor, ICC, Rm 10-502 Federal Bldg., 400 North 8th Street, Richmond, Virginia 23240.

MC 109478 (Sub-149 TA), filed January 24, 1979. Applicant: WORSTER MOTOR LINES, INC., P.O. Box 110, Gay Road, North East, PA 16428. Representative: Robert D. Gunderman, Esq., 710 Statler Building, Buffalo, NY 14202. *Fresh grape juice, in bulk, in tank vehicles* from Springdale, AR to Lawton, MI for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Welch Foods Inc., 2 South Portage St., Westfield, NY 14787. SEND PROTESTS TO: John J. England, District Supervisor, Interstate Commerce Commission, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, PA 15222.

MC 112801 (Sub-222TA), filed January 16, 1979. Applicant: TRANSPORT SERVICE CO., 2 Salt Creek Lane, Hinsdale, IL 60521. Representative: Gene Smith (same as applicant). *Dry sugar, in bulk, in tank vehicles*, from Chicago, IL to Battle Creek, MI, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Urban F. Myers & Co., 2627 W. Washington Blvd., Chicago, IL 60612. Send protests to: Lois M. Stahl, TA, ICC, 219 S. Dearborn Street, Room 1386, Chicago, IL 60604.

MC 113382 (Sub-23TA), filed January 22, 1979. Applicant: NELSEN BROS., INC., P.O. Box 613, Nebraska City, NE 68410. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. *Carpet and carpet samples*, from the facilities of Lincoln Carpet Mills, Inc., at or near Lincoln, NE, to points in CA, OR, WA, ID, NV, UT, CO, WY, MT, KS, SD, ND, MN, IA, MO, WI, IL, KY, IN, MI, OH, WV, and PA, for 180 days. Supporting Shipper(s): Harry A. Kingery, Lincoln Carpet Mills, Inc., P.O. Box 82027, Lincoln, NE 68501. Send protests to: Max H. Johnston, ICC, 285 Federal Building., 100 Centennial Mall North, Lincoln, NE 68508.

MC 114045 (Sub-528TA), filed January 25, 1979. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 61228, Dallas, TX 75261. Representative: J. B. Stuart (same address as above). *Meats, meat products and meat by-products, and articles distributed by meat packinghouses as described in Sections A and C of Appendix I in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk)* from facilities of MBPXL Corporation at or near Friona and Plainview, TX to points in CA for 180 days. Underlying ETA filed for 90 days authority. Supporting Shipper(s): MBPXL Corporation, P.O. Box 2519, Wichita, KS 67201. Send protests to: Opal M. Jones, Trans. Asst., Interstate Commerce Commission, 1100 Commerce Street, Room 13C12, Dallas, TX 75242.

MC 114334 (Sub-44TA), filed January 24, 1979. Applicant: BUILDERS TRANSPORTATION CO., 3710 Tulane Road, Memphis, TN 38116. Representative: Dale Woodall, 900 Memphis Bank Building, Memphis, TN 38103. *Iron and steel and iron and steel articles* from Birmingham, AL to Olive Branch, MS, for 180 Days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Kelley Manufacturing Company, 10745 Mariana Drive, Olive Branch, MS 38654. Send protests to: Floyd A. Johnson, District Supervisor, Interstate Commerce Commission, 100 North Main Building—Suite 2006, 100 North Main Street, Memphis, TN 38103.



MC 115353 (Sub-32TA), filed January 11, 1979. Applicant: LOUIS J. KENNEDY TRUCKING CO., 342 Schuyler Avenue, Kearny, NJ-07670. Representative: Morton E. Kiel, Suite 6130, 5 World Trade Center, New York, NY 10048. *Contract carrier, irregular routes, for 180 days. Prestressed concrete panels* from Cranbury, NJ to Philadelphia, and Radnor, PA. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Johns Manville Structural Systems Corp., Box 435, Cranbury, NJ 08512. Send protests to: Robert E. Johnston, District Supervisor, Interstate Commerce Commission, 9 Clinton Street, Newark, New Jersey 07102.

MC 115554 (Sub-17TA), filed January 16, 1979. Applicant: Scott's Transportation Service, Inc., P.O. Box 89B, Iowa City, IA 52240. Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501. (1) *Electric motors, grinders, buffers, dental lathes, dust collectors, and pedestals*; (2) *Parts, accessories, and attachments for commodities in (1) above*; and (3) *materials, equipment and supplies used in the manufacture and distribution of commodities in (1) and (2) above*, from Columbus, MS to Fort Smith, AR and points in IL, IN, IA, MI, MN, OH, and WI for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Baldor Electric Company, P. O. Box 2400, Fort Smith, AR 72902. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 115651 (Sub-55TA), filed January 16, 1979. Applicant: KANEY TRANSPORTATION, INC., 7222 Cunningham Road, Rockford, IL 61102. Representative: Robert D. Higgins (same as applicant). *Chemicals, in bulk, in tank trucks*, from Cottage Grove, WI to points in IL, for 180 days. Supporting Shipper(s): Thompson Hayward Chemical Co., 1111 Seminary St., Rockford, IL 61108. Send protests to: Lois M. Stahl, TA, ICC, 219 S. Dearborn St., Room 1386, Chicago, IL 60604.

MC 115826 (Sub-378TA), filed January 26, 1979. Applicant: W. J. DIGBY, INC., 6015 East 58th Ave., Commerce CO 80022. Representative: Howard Gore (same address as above). *Mechanical refrigeration units, evaporators, compressor, and parts, materials and accessories* for the above, from Louisville, GA and ports of entry in TX and LA to Denver, CO and its commercial zone, for 180 days. An underlying ETA seeks authority for 90 days. Supporting Shipper(s): Thermo-King Sales & Equipment Co., Inc., 5455 East 52nd Ave., Commerce City, CO 80022. Send protests to: District Supervisor H. C. Ruoff, 492 U. S. Customs House, 721 19th Street, Denver, CO 80202.

MC 115826 (Sub-379TA), filed January 30, 1979. Applicant: W. J. DIGBY, INC., 6015 East 58th Ave., Commerce City, CO 80022. Representative: Howard Gore (same address as above). *Meat, meat products and ingredients used in the manufacture of pet foods*, from (A) Amarillo, TX to points in CA, OR, WA; (B) from Amarillo, TX and Denver, CO to Topeka, KS, Kankakee, IL, Lafayette, IN, Columbus, OH, Jefferson, WI, St. Joseph, MO, Allentown, PA, Crete, NE and their commercial zones, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Consolidated Pet Foods, Inc., 1450 Cottonwood St., Denver, CO 80204. Send protests to: District Supervisor H. C. Ruoff, 492 U.S. Customs House, 721 19th Street, Denver, CO 80202.

MC 115826 (Sub-380TA), filed January 26, 1979. Applicant: W. J. DIGBY, INC., 6015 East 58th Ave., Commerce City, CO 80022. Representative: Howard Gore (same address as above). *Prepared foods, frozen foods, restaurant equipment and supplies*, from Denver, CO and its commercial zone to Albuquerque, NM and its commercial zone for 180 days. An underlying ETA seeks authority for 90 days. Supporting Shipper(s): Nobel, Inc., 1101 West 48th Ave., Denver, CO 80221. Send protests to: District Supervisor H. C. Ruoff, 492 U.S. Customs House, 721 19th Street, Denver, CO 80202.

MC 115826 (Sub-381TA), filed January 26, 1979. Applicant: W. J. DIGBY, INC., 6015 East 58th Ave., Commerce City, CO 80022. Representative: Howard Gore (same address as above). *Frozen foods*, from facilities of Wagner Distribution Services at or near Brea, CA to points in AZ, for 180 days. Underlying ETA seeks 90 days authority. Supporting Shipper(s): Wagner Distribution Services, 1201 E. Cerritos, Anaheim, CA 92805. Send protests to: District Supervisor H. C. Ruoff, 492 U.S. Customs House, 721 19th Street, Denver, CO 80202.

MC 118130 (Sub-97TA), filed January 11, 1979. Applicant: SOUTH EASTERN XPRESS, INC., P. O. Box 6985, Fort Worth, TX 76115. Representative: Billy R. Reid, P. O. Box 8335, Fort Worth, TX 76112. *Frozen foodstuffs*, from Laramie, WY, to points in AL, AZ, FL, GA, LA, MS, NM, and TX, for 180 days. Supporting Shipper: Packers Cold Storage, Inc., 310 E. Walnut Ave., Fullerton, CA 92632. Send protests to: Martha A. Powell, Transportation Assistant, ICC, Room 9A27 Federal Bldg., 819 Taylor Street, Fort Worth, TX 76102.

MC 119741 (Sub-138TA), filed January 16, 1979. Applicant: GREEN FIELD TRANSPORT CO., INC., P.O. Box 1235, Fort Dodge, IA 50501. Representative: D. L. Robson (same ad-

dress as applicant). *Meats, meat products, meat by-products, and articles distributed by meat packinghouses, as described in Sections A and C of Appendix I to the Report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles)*, from the facilities of Peschke Packing Co. at Detroit, MI to points in IA, KS, MO, and NE for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Peschke Packing Co., 18615 Sherwood, Detroit, MI 48234. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 124174 (Sub-128TA), filed January 22, 1979. Applicant: MOMSEN TRUCKING CO., 13811 "L" Street, Omaha, NE 68137. Representative: Karl E. Momsen (same address as above). *Treated poles, crossarms, cross ties, switch ties, lumber and piling*, from the facilities of American Creosote Works, Inc., at or near Jackson, TN, and Louisville, MS, to points in KS, MO, NE, IA, MI, WI, IL, IN, ME, OH, and KY, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): D. L. Haltom, American Creosote Works, Inc., P.O. Box 1444, Meadow St., Jackson, TN 38301. Send protests to: Carroll Russell, ICC, Suite 620, 110 No. 14th St., Omaha, NE 68102.

MC 124174 (Sub-129TA), filed January 23, 1979. Applicant: MOMSEN TRUCKING CO., 13811 "L" Street, Omaha, NE 68137. Representative: Karl E. Momsen (same address as above). *Food products and tobacco when moving in mixed loads with food products*, from Laredo, TX, to Greenville, Limestone, Nashville, and Memphis, TN; Charlotte and Burlington, NC; Chester and Greenville, SC; Liverpool, Syracuse, and Albany, NY; Philadelphia, PA; Cleveland and Mentor, OH; Chicago, IL; Milwaukee, WI; and the State of MA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): The Austin Company, Inc., P.O. Box 360, Greenville, TN 37743. Send protests to: Carroll Russell, ICC, Suite 620, 110 No. 14th St., Omaha, NE 68102.

MC 124236 (Sub-93TA), filed January 19, 1979. Applicant: CHEMICAL EXPRESS CARRIERS, INC., 1200 Simons Bldg., Dallas, TX 75201. Representative: Joe A. Morgan (same address as above). *Barite (drilling mud) in bulk*, from Houston, TX to Ardmore, OK for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Energy Drilling Products, Inc., 911 W. Broadway, Ardmore, OK 73401. Send protests to: Opal M. Jones, Trans. Asst., Interstate Commerce Commission, 1100 Commerce Street, Room 13C12, Dallas, TX 75242.



MC 125023 (Sub-68TA), filed January 24, 1979. Applicant: SIGMA-4 EXPRESS, INC., 3825 Beech Avenue, P.O. Box 9117, Erie, PA 16504. Representative: Richard G. McCurdy (same as applicant). *Glass Containers* from Washington, PA to points in NY on and West of Interstate Highway No. 81 for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Metropak Containers Corporation, 1099 Wall Street West, Lyndhurst, NJ 07071. Send protests to: John J. England, District Supervisor, Interstate Commerce Commission, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, PA 15222.

MC 125470 (Sub-40TA), filed January 17, 1979. Applicant: MOORE'S TRANSFER, INC., P.O. Box 1151, Rural Route 4, Norfolk, NE 68701. Representative: Lavern R. Holdeman, 521 South 14th St., P.O. Box 81849, Lincoln, NE 68501. *Irrigation systems and parts, equipment, materials and supplies used in the manufacture, sale and distribution thereof*, from the facilities of Lindsay Manufacturing Co., at or near Lindsay, NE, to points in GA and points in that part of the United States in and west of the states of WI, IL, IN, MO, OK, and TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): George D. Barr, Lindsay Manufacturing Co., P.O. Box 156, Lindsay, NE 68644. Send protests to: Carroll Russell, ICC, Suite 620, 110 No. 14th St., Omaha, NE 68102.

MC 126118 (Sub-122TA), filed January 23, 1979. Applicant: CRETE CARRIER CORP., P.O. Box 81228, Lincoln, NE 68501. Representative: Duane W. Acklie (same address as above). *Such commodities as are dealt in by paper and paper products producers or distributors (except commodities in bulk)*, from points in WI to points in AZ, CA, NV, OR, and WA, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): There are 13 statements in support attached to this application which may be examined at the ICC in Washington, D.C. or at the field office named below. Send protests to: Max H. Johnston, ICC, 285 Federal Bldg., 100 Centennial Mall North, Lincoln, NE 68508.

MC 126853 (Sub-7TA), filed January 23, 1979. Applicant: PRINCE TRANSPORT LINES, INC., Mischicot, WI 54228. Representative: Frank M. Coyne, 25 W. Main St., Madison, WI 53703. *Petroleum products*, from Superior, WI to points in MN on and North of U.S. Hwy. 12, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Murphy Oil Corporation, P.O. Box 2066, Superior, WI 54880. Send protests to: Gail Daugherty, Transportation Asst., Interstate Commerce Commission,

Bureau of Operations, U.S. Federal Building & Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wisconsin 53202.

MC 129484 (Sub-6TA), filed January 23, 1979. Applicant: MELVIN WANG, d.b.a. Melvin Wang Trucking, Route 2, Box 9, Fertile, MN 56540. Representative: Gene P. Johnson, P.O. Box 2471, Fargo, ND 58108. *Contract carrier: irregular routes: Liquid fertilizer and liquid fertilizer ingredients in bulk*, in tank vehicles, from Hendrum, MN to points in ND, for the account of Hendrum Fertilizer Co., Inc., Hendrum, MN, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Hendrum Fertilizer Co., Inc., Box 159, Hendrum, MN 56550. Send protests to: Ronald R. Mau, DS, ICC, Room 268 Fed. Bldg. & U.S. Post Office, 657 2nd Avenue North, Fargo, ND 58102.

MC 133095 (Sub-237TA), filed January 26, 1979. Applicant: TEXAS CONTINENTAL EXPRESS, INC., P.O. Box 434, Euless, TX 76039. Representative: Kim G. Meyer, P.O. Box 872, Atlanta, GA 30301. *Hair care products, toilet preparations, hair dryers and beauty salon supplies*, from the facilities of Helene Curtis Industries, Inc. at or near Franklin Park, IL, to points in DC, MA, CT, RI, NY, NJ, PA, and MD, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Helene Curtis, Inc., 4401 W. North Avenue, Chicago, IL. Send protests to: Martha A. Powell, Transportation Asst., I.C.C., Room 9A27 Federal Building, 819 Taylor Street, Fort Worth, TX 76102.

MC 133962 (Sub-7TA), filed January 18, 1979. Applicant: ALDRICH TRUCKING, INC., 3420 Northeast 9th Avenue, Ocala, FL 32670. Representative: Dan R. Schwartz, 1729 Gulf Life Tower, Jacksonville, FL 32207. (1) *Charcoal, charcoal briquets, vermiculite, active carbon, and hickory chips; and (2) charcoal lighter fluid, and charcoal grills and accessories* from the facilities of Husky Industries, Inc., in FL to points in IL, IN, OH and PA, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Husky Industries, Inc., 62 Perimeter Center East, Atlanta, GA 30346. Send protests to: G. H. Fauss, Jr., DS, ICC, Box 35008, 400 W. Bay Street, Jacksonville, FL 32202.

MC 136711 (Sub-27TA), filed January 12, 1979. Applicant: McCORKLE TRUCK LINE, INC., P.O. Box 94968, 1547 S.E. 25th, Oklahoma City, OK 73143. Representative: G. Timothy Armstrong, 6161 North May Avenue, Oklahoma City, OK 73112. *Roofing granules*, in bulk, from the facilities of 3M Company at or near Little Rock, AR to the facilities of CertainTeed Corp., at or near Savannah, GA, for

180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Shelter Materials Group, CertainTeed Corporation, P.O. Box 860, Valley Forge, PA 19482. Send protests to: Connie Stanley, Transportation Assistant, Interstate Commerce Commission, Room 240 Old Post Office & Court House Bldg., 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 138256 (Sub-15TA), filed January 10, 1979. Applicant: INTERIOR TRANSPORT, INC., P.O. Box 3347, 2188 Waterworks Way, Spokane, WA 99220. Representative: George H. Hart, 1100 IBM Bldg., Seattle, WA 98101. *Contract carrier: irregular routes: Metal building materials*, from Sacramento, CA to points in AZ, CO, ID, IL, IA, KS, MN, MT, NE, NV, NM, ND, OK, OR, SD, TX, UT, WA and WY, for the account of ASC Pacific, Inc., for 180 days. Supporting Shipper(s): A.S.C. Pacific, Inc., P.O. Box 2075, Tacoma, WA 98401. Send protests to: Shirley M. Homes, T/A, ICC, 858 Federal Bldg., Seattle, WA 98174.

MC 138286 (Sub-3TA), filed January 24, 1979. Applicant: JOHN F. SCOTT CO., P.O. Box 8, Dravosburg, PA 15034. Representative: John M. Muselman, 410 N. Third St., Harrisburg, PA 17108. (1) *Iron and steel articles*, from the facilities of United States Steel Corporation, at or near Ambridge, Braddock, Clairton, Dravosburg, Duquesne, Homestead, Johnstown, McKeesport, McKees Rocks, Munhall, Pittsburgh, Rankin, Vandergrift, West Homestead, and West Mifflin, PA to points in DE, MD, NJ, OH and WV; from the plantsite of United States Steel Corporation, at or near Fairless, PA to points in DE, MD, NJ, NY, OH and WV; and (2) *Materials, equipment and supplies*, used or useful in the manufacture of iron and steel, and iron and steel articles, from points in DE, MD, NJ, OH and WV to the facilities of United States Steel Corporation at or near Ambridge, Braddock, Clairton, Dravosburg, Duquesne, Homestead, Johnstown, McKeesport, McKees Rocks, Munhall, Pittsburgh, Rankin, Vandergrift, West Homestead and West Mifflin, PA; from points in DE, MD, NJ, NY, OH and WV, to the facilities of United States Steel Corporation at or near Fairless, PA, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): United States Steel Corporation, 600 Grant St., Pittsburgh, PA 15230. Send protests to: J. A. Niggemyer, DS, 416 Old P.O. Bldg., Wheeling, WV 26003.

MC 138469 (Sub-103TA), filed January 22, 1979. Applicant: DONCO CARRIERS, INC., P.O. Box 75354, 2025 S. Nickolas, Oklahoma City, OK 73107. Representative: William P. Jackson, Jr., 3426 N. Washington Blvd., P.O.

Box 1240, Arlington, VA 22210. *Canned goods*, from the facilities of Hudson Industries, Inc., at Brundidge, AL, to points in the United States (except AL and HI), for 180 days. Supporting Shipper(s): Hudson Industries, Inc., P.O. Box 847, Troy, AL 36081. Send protests to: Connie Stanley, Transportation Assistant, Interstate Commerce Commission, Room 240 Old Post Office & Court House Bldg., 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 138635 (Sub-71TA), filed January 25, 1979. Applicant: CAROLINA WESTERN EXPRESS, INC., Box 3961, Gastonia, NC 28052. Representative: Eric Meierhoefer, Suite 423, 1511 K Street, NW., Washington, DC 20005. *General commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment)* from Los Angeles, CA to Boise, ID and points in OR and WA, restricted to the transportation of traffic moving on freight forwarder bills of lading, for 180 days. An underlying ETA seeks 90 days. Supporting Shipper(s): Superior Fast Freight, 611 North Mission Rd., Los Angeles, CA 90080. Send protests to: District Supervisor Terrell Price, 800 Briar Creek Rd.—Rm CC516, Mart Office Building, Charlotte, NC 28205.

MC 140119 (Sub-5TA), filed January 24, 1979. Applicant: RAYMOND J. GALLAHER, Irvona, PA 16656. Representative: Arthur J. Diskin, Attorney at Law, 806 Frick Building, Pittsburgh, PA 15219. *Lime*, in bulk, in dump vehicles, from Strasburg, VA to the plant-sites of Jones & Laughlin Steel Corporation, Aliquippa, Beaver County, PA and Pittsburgh, Allegheny County, PA for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Jones & Laughlin Steel Corporation, 1600 West Carson Street, Pittsburgh, PA 15263. Send protests to: John J. England, district Supervisor, Bureau of Operations, Interstate Commerce Commission, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, PA 15222.

MC 140717 (Sub-12TA), filed January 15, 1979. Applicant: JULIAN MARTIN, INC., P.O. Box 3348, Batesville, AR 72501. Representative: Theodore Polydoroff, Suite 301, 1307 Dolley Madison Blvd., McLean, VA 22101. *Meat and Meat Products and articles distributed by packing houses* (except hides and commodities in bulk), from Fremont and Schuyler, NE to the states of AL and MS, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Spencer Foods, Inc., P.O. Box 544, Schuyler, NE 68661. Send protests to: William H. Land, Jr., District Supervi-

sor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 140968 (Sub-6TA), filed January 23, 1979. Applicant: VALLEY TRANSPORT, INC., P.O. Box 68, Drayton, ND 58225. Representative: Gene P. Johnson, P.O. Box 2471, Fargo, ND 58108. *Contract carrier: irregular routes: Sugar bean pulp pellets* from Drayton and Hillsboro, ND, to Minneapolis, MN, restricted to the transportation of traffic having a subsequent movement by water, for the export, under a continuing contract or contracts with American Crystal Sugar Company, Moorhead, MN, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): American Crystal Sugar Company, 101 North Third Street, Moorhead, MN 56560. Send protests to: Ronald R. Mau, DS, ICC, Room 268 Fed. Bldg. & U.S. Post Office, 657 2nd Avenue North, Fargo, ND 58102.

MC 141500 (Sub-9TA), filed January 26, 1979. Applicant: SUPERIOR TRUCKING CO., INC., P.O. Box 35, Kewaskum, WI 53040. Representative: Richard C. Alexander, 710 N. Plankinton Ave., Milwaukee, WI 53203. *Contract carrier; irregular routes; Coal, in bulk in dump vehicles*, from Duluth, MN to Ashland, WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): C. Reiss Coal Co., Sheboygan, WI 53081. Send protests to: Gail Daugherty, Transportation Asst., Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building & Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, WI 53202.

MC 141546 (Sub-29TA), filed January 25, 1979. Applicant: BULK TRANSPORT SERVICE, INC., 1 Dundee Park, Andover, MA 01810. Representative: Kenneth B. Williams, 84 State St., Boston, MA 02109. *Common carrier: irregular routes: Gasoline and Fuel oil, in tank vehicles*: From Providence, RI to points in MA, for 180 days. Supporting Shipper(s): Gibbs Oil Company, 40 Lee Burbank Hwy, Revere, MA 02151. Send protests to: Max Gorenstein, district Supervisor, Bureau of Operations, Interstate Commerce Commission, 150 Causeway St., Boston, MA 02114.

MC 142672 (Sub-45TA), filed January 25, 1979. Applicant: DAVID BENEUX PRODUCE & TRUCKING, INC., P.O. Drawer F, Mulberry, AR 72947. Representative: Don Garrison, P.O. Box 159, Rogers, AR 72756. (1) *Rubber and plastic articles and rubber and plastic articles, combined*; and (2) *equipment, materials and supplies used in the manufacture and distribution of the commodities listed in (1) above* (except in bulk), between the facilities of Entek Corporation, at or

near Irving, TX on the one hand, and on the other, points in the United States (except AK and HI), for 180 days, as a common carrier over irregular routes. Supporting Shipper(s): Entek Corporation of America, P.O. Box 61048, Dallas, TX 75261. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 143939 (Sub-4TA), filed January 26, 1979. Applicant: GERALD N. EVENSON, INC., 835 1st Street SW., P.O. Box 328, Pelican Rapids, MN 56572. Representative: Gene P. Johnson, P.O. Box 2471, Fargo, ND 58108. (1) *Rock paneling* from the facilities of Picture Rock Corporation located in Becker County, MN, to points in the AZ, CA, GA, ID, IN, LA, NC, and TX; and (2) *Rock* from points in Lewis and Clark County, MT, to the facilities of Picture Rock Corporation located in Becker County, MN, for 180 days. An underlying ETA seeks authority for 90 days. Supporting Shipper(s): Picture Rock Corporation, P.O. Box 283, Detroit Lakes, MN 56501. Send protests to: Ronald R. Mau, DS, ICC, Room 268 Fed. Bldg. & U.S. Post Office, 657 2nd Avenue North, Fargo, ND 58102.

MC 145054 (Sub-9TA), filed January 23, 1979. Applicant: COORS TRANSPORTATION CO., 5101 York Street, Denver, CO 80216. Representative: Leslie R. Kehi, 1600 Lincoln Center, 1660 Lincoln Street, Denver, CO 80264. *Canned foods and canned juices*, from Yakima Co., WA to points in AZ, CA, CO, NV and UT, for 180 days. An underlying ETA seeks authority for 90 days. Supporting Shipper(s): Snokist Growers, P.O. Box 1587, 18 West Mead Avenue, Yakima, WA 98907. Send protests to: District Supervisor H. C. Ruoff, 492 U.S. Customs House, 721 19th St., Denver, CO 80202.

MC 145468 (Sub-3TA), filed January 11, 1979. Applicant: K.S.S. TRANSPORTATION CORP., Route 1 and Adams Station, P.O. Box 3052, North Brunswick, NJ 08902. Representative: Arlyn L. Westergren, Suite 106, 7101 Mercy Road, Omaha, NE 68106. *Meat, meat products and meat by-products and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the Report in *Descriptions in Motor Carriers Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Huron, SD and Worthington, MN to points in AL, FL, GA, KY, LA, MS, NC, SC, and TN, for 180 days. Applicant has been granted 50 days of emergency temporary authority partially duplicating that sought herein. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Armour Fresh Meat Company, 111 W. Claren-

don, Greyhound Tower, Phoenix, AZ 85077. SEND PROTESTS TO: Robert E. Johnston, District Supervisor, Interstate Commerce Commission, 9 Clinton Street, Newark, NJ 07102.

MC 145588 (Sub-8TA), filed January 26, 1979. Applicant: GULF-MIDWEST-ERN, INC., 12151 West 44th Avenue, Denver, CO 80033. Representative: William W. Selman, 18500 John F. Kennedy Blvd., Houston, TX 77205. *Synthetic resins, reclaimed plastic material and chemicals*, (1) from all points in Harris, Wharton, Brazoria, Orange, La Vaca, Jefferson Counties, Texas to all points in CA, FL, GA, IL, MA, MI, NJ, NH, OH, and TX; (2) and from points in the states of CA, FL, GA, IL, MA, MI, NJ, NH, OH and TX and to points in TX counties named in (1) above, for 180 days. SUPPORTING SHIPPER(S): San-Tex Industries, Inc., 1440 North Loop, Houston, TX 77009. SEND PROTESTS TO: District Supervisor H. C. Ruoff, 492 U.S. Customs House, 721 19th St., Denver, CO 80202.

MC 145912 (Sub-1TA), filed January 23, 1979. Applicant: TRUCK SERVICE, INC., 303 Vance St., Forest City, NC 28043. Representative: George W. Clapp, P.O. Box 836, Taylors, SC 29687. *Contract Carrier—Irregular Routes*: (1) *Plastic pellets*, between Forest City, NC and Leominster, MA, on the one hand, and, on the other, points in the US in and east of MN, IA, MO, AR, and LA and (2) *materials, equipment and supplies used in the manufacture and sale of plastic pellets*, from points in the US in and east of MN, IA, MO, AR, and LA to Forest City, NC and Leominster, MA, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Polysar Incorporated, Resins Division, P.O. Box 90, Leominster, MA 01453. SEND PROTESTS TO: District Supervisor Terrell Price, 800 Briar Creek Rd., Rm. CC516, Mart Office Building, Charlotte, NC 28205.

MC 145939 (Sub-2TA), filed January 10, 1979. Applicant: ATLANTIC CARRIERS, INC., Box 284, Atlantic, IA 50022. Representative: James F. Crosby, P.O. Box 37205, Omaha, NE 68137. *Feed and feed ingredients*, between points in IL, IA, MN, NE, and WI, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Ed Hahn, Commodity Traders, Inc., 300 Grain Exchange Building, 1905 Harney, Omaha, NE 68102. George Stuetelberg, Walnut Grove Products, Atlantic, IA 50022. SEND PROTESTS TO: Carroll Russell, ICC, Suite 620, 110 No. 14th St., Omaha, NE 68102.

MC 145953 (Sub-1TA), filed January 23, 1979. Applicant: RICHARDSON TRUCK LINES, INC., Route 1, Box 315-A, Kings Mountain, NC 28086.

Representative: William P. Farthing, Jr., 1100 Cameron-Brown Building, Charlotte, NC 28204. *Textile products* between Kings and Charlotte, NC on the one hand, and, on the other, Norwalk, CT, NY, NY and Calexico, CA, for 180 days. An underlying ETA seeks 90 days. Supporting Shipper(s): Suzy Curtains, Incorporated, 4337 Barringer Drive, Charlotte, NC 28210. Send protests to: District Supervisor Terrell Price, 800 Briar Creek Rd-Rm CC516, Mart Office Building, Charlotte, NC 28205.

MC 145954 (Sub-1TA), filed January 23, 1979. Applicant: FOUR TRUCKERS, INC., P.O. Box 763, Drexel, NC 28619. Representative: William P. Farthing, Jr., 1100 Cameron-Brown Building, Charlotte, NC 28204. *New household furniture* from points within the State of NC to points within the states of AZ, NV, CA, OR, WA & ID, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Drexel Heritage Furnishings, Inc., Drexel, NC 28619. Send protests to: Terrell Price, District Supervisor, 800 Briar Creek Rd-Rm CC516, Mart Office Building, Charlotte, NC 28205.

MC 146039 (Sub-1TA), filed January 23, 1979. Applicant: JOE B. SPRINGFIELD, P.O. Box 5722, Richardson, TX 75080. Representative: William Sheridan, (1025 Metker) P.O. Drawer 5049, Irving, TX 75062. *Contract carrier irregular route, Iron or Steel Articles viz.: bars or wire*, from Houston, TX to Dallas, TX, St. Louis, MO, or Chicago, IL; Between Dallas, TX on the one hand and on the other Chicago, IL or St. Louis, MO for 180 days. Underlying ETA for 90 days filed. Supporting Shipper(s): Associated Spring/Barnes Group, Inc., 3443 Morse Dr., Dallas, TX 75211. Send protests to: Opal M. Jones, Trans. Asst., Interstate Commerce Commission, 1100 Commerce Street, Room 13C12, Dallas, TX 75242.

MC 146068 (Sub-1TA), filed January 23, 1979. Applicant: CONSOLIDATED CARRIERS CORP., 2119 N. Davidson Rd., Charlotte, NC 28205. Representative: Eric Melerhoefer, Suite 423, 1511 K Street, NW., Washington, DC 20005. *Chemicals (except in bulk)* from points in CA, FL, IL, IN, MA, MI, NH, NJ, OH, TN, TX, WV, and WY to the facilities of Ace Chemical Corporation at or near Charlotte, NC, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Ace Chemical Corporation, 9801 York Rd., Charlotte, NC 28217. Send protests to: District Supervisor Terrell Price, 800 Briar Creek Rd., Rm CC516, Mart Office Building, Charlotte, NC 28205.

MC 146123 (Sub-1TA), filed January 18, 1979. Applicant: KROFLITE MOTOR EXPRESS, INC., 1018 West 37th Street, Chicago, IL 60609. Repre-

sentative: Richard A. Kerwin, 180 North LaSalle Street, Chicago, IL 60601. *General commodities (except articles of unusual value, Classes A & B explosives, commodities in bulk, household goods as defined by the Commission and commodities requiring special equipment)*, between the facilities of Boyle-Midway, Division of American Home Products Corporation in Bedford Park, Milan, and Rock Island, IL, and Davenport, IA, for 180 days. Supporting Shipper(s): Boyle-Midway, a Division of American Home Products Corp., 5151 West 73rd Street, Chicago, IL 60638. Send protests to: Lois M. Stahl, TA, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 146139 (Sub-1TA), filed January 25, 1979. Applicant: BAY SANITATION, INC., P.O. Box 594, Leland, MI 49654. Representative: Jack D. Larson (same as applicant). *Contract carrier: Irregular route: Building materials, except commodities in bulk, in tank vehicles*, between the facilities of Lynch Acoustical and Specialties, Inc. in Traverse City, MI, on the one hand and points in FL on the other hand, under contract with Lynch Acoustical and Specialties, Inc., for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Lynch Acoustical and Specialties, Inc., 800 Centre Street, Traverse City, MI 49684. Send protests to: Lois M. Stahl, TA, ICC, 219 South Dearborn, Room 1386, Chicago, IL 60604.

#### PASSENGER APPLICATION

MC 146080 (Sub-1TA), filed January 24, 1979. Applicant: MCKINLEY MUNCY, JR. d.b.a. CARDINAL BUS LINES, P.O. Box 7831, Huntington, WV 25778. Representative: John M. Friedman, 2930 Putnam Avenue, Hurricane, WV 25526. Authority sought to operate as a *common carrier* by motor vehicle, over regular routes, transporting: *Passengers and their baggage and express and newspapers in the same vehicle*, between Williamson, WV and Huntington, WV, from Williamson to Moses Fork Mountain over U.S. Highway 52, thence over W. Va. State Route 152 to Echo, thence over U.S. Highway 52 to Huntington, W. Va. and return over same routes serving all intermediate points, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Lesters Radiator Shop, 302 Vinson, Williamson, WV 25661. Price Motor Co., P.O. Box 598, Williamson, WV 25661. Tramco, Fairview Addition, Williamson, WV 25661. Thompson Truck & Equipment Co., P.O. Box 1040, Williamson, WV 25661. Cinderella Amusement Corp., P.O. Box 1270, Williamson, WV 25661. Send protests to: Ruth F. Stark, Secy., Interstate Commerce Commission, Rm. 3108 Federal Bldg., 500 Quarrier St., Charleston, WV 25301.

By the Commission.

H. G. HOMME, Jr.,  
Secretary.

[FR Doc. 79-5267 Filed 2-16-79; 8:45 am]

[7035-01-M]

[Notice No. 24]

**MOTOR CARRIER TEMPORARY AUTHORITY  
APPLICATIONS**

FEBRUARY 14, 1979.

The following are notices of filing of applications for temporary authority under Section 210(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

NOTE: All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

**MOTOR CARRIERS OF PROPERTY**

MC 145406 (Sub-9TA), filed December 26, 1978. Applicant: MIDWEST EXPRESS, INC., 380 East Fourth Street, Dubuque, IA 52001. Representative: Richard A. Westley, Attorney, 4506 Regent Street, Madison, WI 53705. *Bacon* from the facilities of Sugar Creek Packing Company located at or near Bloomington, IL to Sante Fe Springs, CA, for 180 days. An un-

derlying ETA seeks 90 days authority. Supporting Shipper(s): Sugar Creek Packing Co., 410 South East Street, Bloomington, IL 61701. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Building, Des Moines, IA 50309.

MC 26377 (Sub-24TA), filed January 29, 1979. Applicant: LEONARDO TRUCK LINES, INC., 511 S. 1st Street, Selah, WA 98942. Representative: Lawrence V. Smart, Jr., 419 N. W. 23rd Ave., Portland, Oregon 97210. *Apple juice* from Yakima to Anaheim and San Francisco, CA, and their commercial zones, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Speas Co., 115 West "I" St., Yakima, WA 98902. Send protests to: R. V. Dubay, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, Oregon 97204.

MC 41406 (Sub-112 TA), filed January 12, 1979. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., P.O. Box 2176, 7105 Kennedy Ave., Hammond, IN 46323. Representative: Wade H. Bourdon (same address as applicant). *Lawn and garden equipment; snowmobiles; parts and accessories*, from the John Deere-Horicon Works facility, Dodge County, WI to ME, NH, VT, MA, RI, CT, NY, NJ, DE, MD, PA, WV, VA, KY, OH, IN and MI, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): John Deere Horicon Works of Deere & Co., 220 E. Lake St., Horicon, WI 53032. Send protests to: Lois M. Stahl, TA, ICC, 219 S. Dearborn St., Rm. 1386, Chicago, IL 60604.

MC 52464 (Sub-10TA), filed January 24, 1979. Applicant: Evans Trucking Co., 2773 Darlington Road, Beaver Falls, PA 15010. Representative: Jon R. Anstrom, (same as applicant). *Iron and steel articles* from the facilities of Republic Steel Corporation located at Cleveland, Warren, and Youngstown, OH to Buffalo, NY and its Commercial Zone and Rochester, NY and its Commercial Zone for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Republic Steel Corporation, P.O. Box 6778, Cleveland, OH 44101. Send protests to: John J. England, District Supervisor, Interstate Commerce Commission, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, PA 15222.

MC 52921 (Sub-31TA), filed January 25, 1979. Applicant: RED BALL, INC., P.O. Box 520, Sapulpa, OK 74066. Representative: Wilburn L. Williamson, Suite 615-East, the Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. *Petroleum products, in containers, advertising matter, articles distributed by wholesale or retail suppliers, marketers, or*

*distributors of petroleum products, and such commodities as are used by wholesale or retail suppliers, marketers or distributors of petroleum products in the conduct of their business*, from Ponca City, OK, to points in LA, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Continental Oil Company, 5 Greenway Plaza East, Houston, TX 77046. Send protests to: Connie Stanley, Transportation Assistant, Interstate Commerce Commission, Room 240 Old Post Office and Courthouse Bldg., 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 84273 (Sub-8TA), filed January 26, 1979. Applicant: JONES TRUCKING CO., INC., 3020 Bay View Drive, Green Bay, WI 54301. Representative: Michael J. Wyngaard, 150 E. Gilman St., Madison, WI 53703. Contract carrier; irregular routes; *Cheese and cheese products* from Logan, UT to CA and CO, restricted to service performed under a continuing contract or contracts with L.D. Schreiber Cheese Co., Inc., for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): L.D. Schreiber Cheese Co., Inc., 1607 Main St., Green Bay, WI 54302. Send protests to: Gail Daugherty, Transportation Asst., Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wisconsin 53202.

MC 93840 (Sub-42TA), filed January 8, 1979. Applicant: GLESS BROS., INC., P.O. Box 219, Blue Grass, IA 52726. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. *Salt* from the facilities of Morton Salt at Clinton, IA to Winnebago County, IL for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Morton Salt Company, 110 North Wacker Drive, Chicago, IL 60606. Send protests to: Herbert W. Allen, DS, ICC 518 Federal Bldg., Des Moines, IA 50309.

MC 106398 (Sub-858TA), filed January 16, 1979. Applicant: NATIONAL TRAILER CONVOY, INC., 525 South Main, Tulsa, OK 74103. Representative: Irvin Tull (same address as applicant). *Mechanical tubing*, from the facilities of Maverick Tube at Union, MO to points in IL, IN, IA, OH, OK and TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Maverick Tube, P.O. Box 696, Union, MO 63084. Send protests to: Connie Stanley, Transportation Assistant, Interstate Commerce Commission, Room 240 Old Post Office & Courthouse Bldg., 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 107012 (Sub-330TA), filed January 3, 1979. Applicant: NORTH AMERICAN VAN LINES, INC., 5001

U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: Steven C. Clifford, P.O. Box 988, Fort Wayne, IN 46801. *Compressors and electric motors used in the manufacture of air conditioners* from Frederick and Elkton, MD, to Effingham, IL, for 180 days. Supporting Shipper: Fedders Corporation, Woodbridge Avenue, Edison, NJ 08817. Send protests to: Beverly J. Williams, Trans. Asst., I.C.C., Federal Bldg. & U.S. Courthouse, 46 East Ohio St., Rm. 429, Indianapolis, IN 46204.

MC 107227 (Sub-136TA), filed January 23, 1979. Applicant: INSURED TRANSPORTERS, INC., 45055 Fremont Boulevard, Fremont, CA 94538. Representative: John G. Lyons, 220 Bush Street, Suite 1418, San Francisco, CA 94104 (Ph: 415 392-1423). *New automobiles and trucks, having a prior movement by water, in mixed loads, in secondary movements in truckaway service*, from facilities of Toyota Motor Sales, U.S.A., Inc. at Pier J, Long Beach, CA to Las Vegas, NV, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Toyota Motor Sales USA, Inc., 2055 West 190th Street, Torrance, CA 90509. Send protests to: District Supervisor A. J. Rodriguez, 211 Main Street, Suite 500, San Francisco, CA 94105.

MC 108207 (Sub-490TA), filed January 9, 1979. Applicant: FROZEN FOOD EXPRESS, INC., P.O. Box 225888, Dallas, TX 75265. Representative: M. W. Smith (same as applicant). *Petroleum, petroleum products, vehicle body sealer and/or sound deadener compounds (except in bulk, in tank vehicles)* and filters, from points in Warren County, MS to points in AZ, CA, CO, IL, IN, IA, KS, MI, MN, MO, NE, NM, OK, TX, and WI. Restricted to shipments originating at the facilities of Quaker State Oil Refining Corp. located in Warren County, MS for 180 days. Supporting Shipper(s): Quaker State Oil Refining Corp., P.O. Box 989, Oil City, PA 16301. Send protests to: Opal M. Jones, Trans. Asst., Interstate Commerce Commission, 1100 Commerce Street, Room 13C12, Dallas, TX 75242.

MC 108207 (Sub-491TA), filed January 15, 1979. Applicant: FROZEN FOOD EXPRESS, INC., P.O. Box 225888, Dallas, TX 75266. Representative: M. W. Smith (same as above). *Resin impregnated broadgoods, in mechanically refrigerated equipment*, from Los Angeles, CA to Phoenix, AZ, for 180 days. Supporting Shipper(s): Narmco, 600 Victoria Ave., Costa Mesa, CA. Send protests to: Opal M. Jones, Trans. Asst., Interstate Commerce Commission, 1100 Commerce Street, Room 13C12, Dallas, TX 75242.

MC 109689 (Sub-344TA), filed January 24, 1979. Applicant: W. S. HATCH CO., 643 South 800 West, Woods Cross, UT 84087. Representative: Mark K. Boyle, Attorney at Law, 10 West Broadway Bldg, Suite 400, Salt Lake City, UT 84101. *Perlite*, in bulk, from Antonito, CO, to West Port Arthur, TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Grefco, Inc., 3450 Wilshire Blvd., Los Angeles, CA 90010. Send protests to: L. D. Helfer, DS, ICC, 5301 Federal Bldg., Salt Lake City, UT 84138.

MC 109818 (Sub-47TA), filed January 11, 1979. Applicant: WENGER TRUCK LINE, INC., P.O. Box 3427, Davenport, IA 52804. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. *Sauces, salt, and food curing or preserving compounds (except commodities in bulk)*, from Owensboro and Henderson, KY to points in IL, IA, KS, MO and NE for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): RAGU Foods, Inc., 33 Benedict Place, Greenwich, CT 06830. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Building, Des Moines, IA 50309.

MC 109891 (Sub-37 TA), filed January 15, 1979. Applicant: INFINGER TRANSPORTATION CO., INC., P.O. Box 7398, Charleston Heights, SC 29405. Representative: Frank B. Hand, Jr., P.O. Drawer C., Berryville, VA 22611. *Petroleum products, vehicle body sealers, sound deadening compounds, and accoustical control items, in bulk, in tank vehicles*, from the facilities of Quaker State Oil Refining Corp., in Warren County, MS to points in AL, FL, GA, KY, NC, SC, and TN, for 180 days. SUPPORTING SHIPPER(S): Quaker State Oil Refining Corp., P.O. Box 989, Oil City, PA 16301. SEND PROTESTS TO: E. E. Strotheld, District Supervisor, Rm. 302, 1400 Building, 1400 Pickens Street, Columbia, SC 29201.

MC 114273 (Sub-533 TA), filed January 16, 1979. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core, Commerce Attorney (same as applicant). *Iron and steel articles* from Cedar Rapids to York, PA for 180 days. The purpose of this application is to eliminate joint-line service. SUPPORTING SHIPPER(S): Midland Forge, Inc., 101 50th Avenue, S.W., Cedar Rapids, IA 52404. SEND PROTESTS TO: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 114552 (Sub-193 TA), filed January 10, 1979. Applicant: SENN TRUCKING CO., P.O. Drawer 220, Newberry, SC 29108. Representative: William P. Jackson, Jr., 3426 N. Wash-

ington Blvd., P.O. Box 1240, Arlington, VA 22210. *Canned goods*, from facilities of Hudson Industries, Inc., Brundage, AL, to points in the U.S. (except AK and HI), for 180 days. SUPPORTING SHIPPER(S): Hudson Industries, Inc., P.O. Box 847, Troy, AL 36081. SEND PROTESTS TO: E. E. Strotheld, District Supervisor, Rm. 302, 1400 Building, 1400 Pickens Street, Columbia, SC 29201.

MC 115654 (Sub-124 TA), filed January 4, 1979. Applicant: Tennessee Cartage Co., Inc., P.O. Box 23193, Nashville, TN 37202. Representative: Henry E. Seaton, 929 Pennsylvania Building, 13th and Pennsylvania Ave., N.W., Washington, D.C. 20004. *Frozen foods (except commodities in bulk)*, from the facilities utilized by Banquet Foods Corporation at or near Carrollton, Macón, Marshall, or Moberly, MO to points in AL, GA, IN, KY, OH, and TN for 180 days. SUPPORTING SHIPPER(S): Banquet Foods Corporation, St. Louis, MO. SEND PROTESTS TO: Glenda Kuss, Trans. Asst., I.C.C., Suite A-422, U.S. Courthouse, 801 Broadway, Nashville, TN 37203.

MC 115654 (Sub-128TA), filed January 26, 1979. Applicant: TENNESSEE CARTAGE CO., INC., P.O. Box 23193, Nashville, TN 37202. Representative: Henry Seaton, 929 Pennsylvania Bldg., 425 Thirteenth St. NW., Washington, DC 20004. *Such commodities as are dealt in by wholesale and retail grocery houses* from Cincinnati, OH and its commercial zone, to points in KY and WV, for 180 days. NOTE: Applicant proposes to interline at Bluefield, Charleston, and Huntington, WV. Supporting Shipper(s): The Drackett Products Co., 5020 Spring Grove Ave., Cincinnati, OH 45232. Ralston-Purina Co., Inc., 11301 Mosteller Rd., Cincinnati, OH 45241. Send protests to: Glenda Kuss, TA, ICC, Suite A-422 U.S. Court House, 801 Broadway, Nashville, TN 37203.

MC 115654 (Sub-129TA), filed January 22, 1979. Applicant: TENNESSEE CARTAGE COMPANY, INC., P.O. Box 23193, Nashville, TN 37202. Representative: Henry Seaton, 929 Pennsylvania Bldg., 425 Thirteenth St. NW., Washington, DC 20004. *Such commodities as are dealt in by wholesale and retail grocer houses (including packinghouse products), except commodities in bulk, moving in mechanically refrigerated equipment*, from the facilities of Monument Distribution Warehouse, Inc. at or near Indianapolis, IN to points in AL, AR, GA, IL, KY, LA, MS, MO, OH, TN, and that part of MI on and south of Michigan Hwy 10, for 180 days. Supporting Shipper(s): Monument Distribution Warehouse, Inc., 3320 S. Arlington Ave., Indianapolis, IN 46203. Send protests to: Glenda Kuss, TA,



ICC, Suite A-422 U.S. Court House, 801 Broadway, Nashville, TN 37203.

MC 116175 (Sub-12TA), filed January 29, 1979. Applicant: WILLIAM E. (BILLY) ONEY, d.b.a. WILLIAM E. ONEY, Route 7 Box 37, Kingsport, TN 37660. *Hydrated Alumina, Calcined Alumina, Borax, Boric Acid, Calcium Carbonate, and Zircon Sand*, for 180 days. From the facilities of AluChem, Inc. at or near Reading, OH, to WI, IL, IN, MI, OH, NY, KY, PA, VA, and MO, restricted to the transportation of shipments originated at and destined to the above described territories. An underlying ETA seeks 90 days authority. Supporting Shipper(s): AluChem Inc., 01 Landy Lane, Reading, Ohio 45215. Send protests to: Paul D. Collins, District Supervisor, ICC, 400 North 8th Street, Richmond, VA 23240.

MC 119443 (Sub-40TA), filed January 29, 1979. Applicant: P. E. KRAMME, INC., Main Street, Monroeville, NJ 08343. Representative: Gerald A. Kramme, Main Street, Monroeville, NJ 08343. *Liquid chocolate products*, in bulk, in tank vehicles, from the facilities of M&M/Mars, a division of Mars, Inc., at or near Chicago, IL, Elizabethtown, PA and Waco, TX, to the facilities of M&M/Mars, a division of Mars, Inc. at or near Cleveland, TN, for 180 days. An underlying ETA seeks 90 day authority. Supporting Shipper(s): M&M/Mars, a division of Mars, Inc., High Street, Hackettstown, NJ 07840. Send protests to: District Supervisor, ICC, 428 East State Street, Room 204, Trenton, NJ 08608.

MC 119741 (Sub-140TA), filed January 24, 1979. Applicant: GREEN FIELD TRANSPORT CO., INC., 1515 Third Avenue, N.W., P.O. Box 1235, Fort Dodge, IA 50501. Representative: D. L. Robson (same as applicant). *Meats, meat products, meat by-products, and articles distributed by meat packinghouses, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles)*, From Omaha, NE to points in IL, IN, MI, and OH for 180 days. Restricted to the transportation of shipments originating at the facilities of Palamera Beef Corporation at or near Omaha, NE and destined to the above-named destination points. An underlying ETA seeks 90 days authority. Supporting shipper(s): Palamera Beef Corporation, 25th and Z Streets, Omaha, NE 68107. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 119917 (Sub-53TA), filed January 5, 1979. Applicant: DUDLEY TRUCKING CO., INC., 724 Memorial Drive, S.E., Atlanta, GA 30316. Repre-

sentative: William F. Dudley (same address as applicant). *Kraft paper, waste paper and materials, equipment and supplies used in the manufacture of cardboard boxes* from points in GA, FL, AL, MS, NC, SC and TN to the facilities of the Chesapeake Container Corporation in Sandston, VA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Chesapeake Container Corporation, P.O. Box 7694, Sandston, VA 23231. Send protests to: Sara K. Davis, T/A, Bureau of Operations, Interstate Commerce Commission, 1252 W. Peachtree St., N.W., Rm. 300, Atlanta, GA 30309.

MC 120427 (Sub-26TA), filed January 9, 1979. Applicant: WILLIAMS TRANSFER, INC., 2128 East Highway 30, Grand Island, NE 68801. Representative: John K. Walker (same address as applicant). *Coiled Steel*, from Lackawanna, NY to Denver, CO, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Randy A. Holliday, Teilabor Manufacturing Corp., 2685 Industrial Lane, Broomfield, CO 80020. Send protests to: Max H. Johnston, DS, ICC 285 Federal Bldg., 100 Centennial Mall North, Lincoln, NE 68508.

MC 121060 (Sub-90TA), filed January 29, 1979. Applicant: ARROW TRUCK LINES, INC., P.O. Box 1416, Birmingham, AL 35203. Representative: William P. Jackson, Jr., 3426 N. Washington Blvd., Arlington, VA 22210. *Canned goods*, from the facilities of Hudson Industries, Inc., at Brundidge, AL, to points in the United States (except AK and HI), for 180 days. Supporting shipper(s): Hudson Industries, Inc., P.O. Box 847, Troy, AL 36081. Send protests to: Mabel E. Holston, Transportation Asst., Bureau of Operation, ICC, Room 1616—2121 Building, Birmingham, AL 35203.

MC 121658 (Sub-15TA), filed January 19, 1979. Applicant: STEVE D. THOMPSON TRUCKING, INC., 1205 Percy Street, P.O. Drawer 149, Winnsboro, LA 71295. Representative: Fred W. Johnson, Jr., 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, MS 39205. *General commodities* (except those of unusual value, Classes A & B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Tullos, LA and Alexandria, LA; from Tullos, LA over U.S. Highway 165 and return over the same route, serving no intermediate points, but serving points within the commercial zone of Alexandria, LA, as a common regular carrier for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Approximately 23 supporting shippers. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal

Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 123778 (Sub-45TA), filed January 29, 1979. Applicant: JALT CORP. d.b.a. UNITED NEWSPAPER DELIVERY SERVICE, 802 Raritan Center, Edison, NJ 08817. Representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, NY 10048. Contract carrier over irregular routes for 180 days. *Magazines* from Edison, NJ to points in CT, NY, points in that part of NY on and east of NY Highway 14, points in that part of MD and PA on and east of US Highway 15, Wilmington, DE and DC, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): World Color Press, Box 1248, Effingham, IL 62401. Send protests to: Robert E. Johnston, District Supervisor, Interstate Commerce Commission, 9 Clinton Street, Newark, New Jersey 07102.

MC 124078 (Sub-921TA), filed January 2, 1979. Applicant: SCHVERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, WI 53215. Representative: Richard H. Prevette, P.O. Box 1601, Milwaukee, WI 53201. *Sand*, in bulk, from the facilities of Manley Brothers, in LaSalle County, IL & Berrien County, MI to points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NY, NC, ND, OH, OK, PA, RI, SC, TN, TX, VT, VA, WV and WI for 180 days. Supporting shipper: Manley Brothers, P.O. Box 538, Chesterton, IN 46304. J. J. Stefanec, Traffic Manager. Send protests to: Gail Daugherty, Trans. Asst., I.C.C., U.S. Federal Bldg. & Courthouse, 517 East Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 124813 (Sub-191TA), filed January 18, 1979. Applicant: UMTUN TRUCKING CO., 910 South Jackson Street, Eagle Grove, IA 50533. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. *Steel* from points in the Chicago, IL Commercial Zone to the facilities of J. I. Case, Inc. at Bettendorf, IA for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): J. I. Case, Inc., 2117 State Street, Bettendorf, IA 52722. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 125433 (Sub-204TA), filed January 15, 1979. Applicant: F-B TRUCK LINE COMPANY, 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same address as applicant). (1) *Tote pans, refrigeration tunnels and air vents*, and (2) *parts and accessories for tote pans, refrigeration tunnels and air vents*, from the facilities of Aero Tech Mfg., Inc., at or near North Salt Lake City, UT, to points in the United States (except AK and HI), for 180



days. Supporting Shipper(s): Aero Tech Mfg. Inc., 395 West 1100 North, North Salt Lake, UT 84054. Send protests to: L. D. Helfer, DS, ICC, 5301 Federal Bldg., Salt Lake City, UT 84138.

MC 126118 (Sub-120TA), filed January 10, 1979. Applicant: CRETE CARRIER CORPORATION, P.O. Box 81228, Lincoln, NE, 68501. Representative: Duane W. Acklie (same as applicant). *Malt beverages*, from Cincinnati, OH and Belleville, IL and their commercial zones to points in OK, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Don Lee, Owner, Lee Distributing, 24 N.E. 27th St., Oklahoma City, OK, 73105; Calvin K. East, Owner, The John Gover Company, Box 568, Lawton, OK, 73501; Joe D. Harris, Gen. Mgr., Adams Sales Company, 7120 E. 13th Street, Tulsa, OK, 74112. Send protests to: District Supervisor Max H. Johnston, 285 Federal Building, Lincoln, NE, 68508.

MC 128866 (Sub-60TA), filed January 29, 1979. Applicant: B & B TRUCKING, INC., P.O. Box 128, 9 Brade Lane, Cherry Hill, NJ 08034. Representative: J. Michael Farrell, 1725 K Street NW., Suite 814, Washington, D.C. 20006. *Contract carrier: irregular routes: Scrap aluminum*, from the plant sites of Penny Plate, Inc. at Cherry Hill, NJ, Waynesboro, VA, Deerfield, IL, Searcy and Atkins, AR to Hawesville, KY, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Penny Plate, Inc., P.O. Box 458, Haddonfield, NJ 08033. Send protests to: District Supervisor, ICC, 428 East State Street, Room 204, Trenton, NJ 08608.

MC 134105 (Sub-43TA), filed January 8, 1979. Applicant: CELERYVALE TRANSPORT, INC., 1318 East 23rd Street, Chattanooga, TN 37404. Representative: Daniel O. Hands, Suite 200, West Touhy Avenue, Park Ridge, IL 60068. (1) *Petroleum, petroleum products, vehicle body sealer and/or sound deadener compounds* (except in bulk, in tank vehicles), and *filters*, from the facilities of Quaker State Oil Refining Corp., in Warren County, MS to points in AL, AR, CO, FL, GA, ID, IL, IN, IA, KS, KY, LA, MI, MN, MO, NE, NM, NC, ND, OK, OR, SC, SD, TN, TX, UT, VA, WA and WI; and (2) *petroleum, petroleum products, vehicle body sealer and/or sound deadener compounds, filters, materials, supplies, and equipment used in the manufacture, sale and distribution of commodities named in (1)* (except in bulk, in tank vehicles), from points in AL, GA, IL, IN, KY, OH, OK, SC and VA to the facilities of Quaker State Oil Refining Corporation in Warren County, MS, for 180 days. Supporting Shipper(s): Quaker State Oil Refining

Corporation, P.O. Box 989, Oil City, PA 16301. Send protests to: Glenda Kuss, Transportation Assistant, Interstate Commerce Commission, A-422—U.S. Court House, 801 Broadway, Nashville, TN 37203.

MC 135598 (Sub-21TA), filed January 29, 1979. Applicant: SHARKEY TRANSPORTATION, INC., P.O. Box 3156, Quincy, Illinois 62301. Representative: Carl L. Steiner—Axelrod, Goodman, Steiner & Bazelon, 39 South LaSalle Street, Chicago, Illinois 60603. (1) *Paper and paper articles*, from Chicago, IL; Vincennes, IN; Marshalltown, IA; Kansas City, KS; Brighton, MO; Jackson, TN and Burlington, WI to points in IL, IN, IA, KS, KY, MO, NE, TN and WI. Restricted to traffic originating at the facilities of Packaging Corporation of America. (2) *Materials and supplies used in the manufacture and sale of paper and paper articles* (except commodities in bulk). From points in IL, IN, IA, KS, KY, MO, NE, TN and WI to Chicago, IL; Vincennes, IN; Marshalltown, IA; Kansas City, KS; Brighton, MO; Jackson, TN and Burlington, WI, for 180 days. Restricted to traffic destined to the facilities of Packaging Corporation of America. An underlying ETA seeks 90 days authority. Supporting shipper(s): Packaging Corporation of America, 1603 Orrington Avenue, Evanston, Illinois 60204. Send protests to: Charles D. Little, District Supervisor, Interstate Commerce Commission, 414 Leland Office Building, 527 East Capitol Avenue, Springfield, Illinois 62701.

MC 138157 (Sub-111TA), filed January 17, 1979. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., d.b.a., Southwest Motor Freight, 2931 South Market St., Chattanooga, TN 37410. Representative: Patrick E. Quinn, (Same address as applicant). *Motor vehicle parts and accessories*, from City of Industry, CA to points in the U.S. in and east of ND, SD, NE, KS, OK and TX, for 180 days. Restricted against the transportation of commodities in bulk and further restricted to traffic originating at the facilities of Luben Industries, Inc. Supporting shipper(s): Luben Industries, Inc., 17171 Gale Avenue, City of Industry, CA 91746. Send protests to: Glenda Kuss, TA, ICC, Suite A-422 U.S. Court House, 801 Broadway, Nashville, TN 37203.

MC 138627 (Sub-56TA), filed January 10, 1979. Applicant: SMITHWAY MOTOR EXPRESS, INC., P.O. Box 404, Rte. 4, Ft. Dodge, IA 50501. Representative: Arlyn L. Westergren, 7101 Mercy Road, Suite 106, Omaha, NE 68106. *Iron and steel articles* from Chicago, IL to Kansas City, MO; Tulsa, OK; and Wichita, KS and their respective commercial zones, for 180 days. An underlying ETA seeks 90 days au-

thority. Supporting shipper(s): A. M. Castle, 3400 Wolf Road, Franklin Park, IL. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 139349 (Sub-9TA), filed January 26, 1979. Applicant: E Z FREIGHT LINES, Gould Street & E. 46th Street, Bayonne, NJ 07002. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. *Contract carrier over irregular routes for 180 days. Bakery goods, bread crumbs, edible flour, beverage preparation, syrups, and equipment, materials and supplies used in the connection therewith except in bulk. Between Evansville, IN, on the one hand, and, on the other, points in the United States east of the Mississippi River, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Modern Maid Food Products, Inc., 200 Garden City Plaza, Garden City, NY 11530. Send protests to: Robert E. Johnston, District Supervisor, Interstate Commerce Commission, 9 Clinton Street, Newark, New Jersey 07102.*

MC 139906 (Sub-31TA), filed January 15, 1979. Applicant: INTERSTATE CONTRACT CARRIER CORP., P.O. Box 30303, Salt Lake City, UT 84125. Representative: Richard A. Peterson, P.O. Box 81849, Lincoln, NE 68501. *Such commodities as are used and dealt in by farm and home supply stores* (except commodities in bulk or those which because of size or weight require special handling or equipment) from points in the United States (except AK and HI) to facilities of Quality Farm & Fleet, Inc., in MI, IN, and OH, for 180 days. Supporting Shipper(s): Quality Farm & Fleet, Inc., 1460 N. Whitehall Rd., North Muskegon, MI 49445. Send protests to: L. D. Helfer, DS, ICC, 5301 Federal Bldg., Salt Lake City, UT 84138.

MC 141477 (Sub-1TA), filed January 19, 1979. Applicant: WEST COAST THEATRICAL STORAGE & TRANSFER CORP., 695 South Glenwood Place, Burbank, CA 91506. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. *Equipment, materials, and supplies for theatrical, stage, television, trade and industrial shows and productions*, between all points in the United States, for 180 days. An underlying ETA seeks up to 90 days authority. Supporting Shipper(s): There are approximately 5 statements of support. Their statements may be examined at the office listed below and Headquarters. Send protests to: Irene Carlos, Transportation Assistant, Interstate Commerce Commission, Room 1321 Federal Building, 300 North Los Angeles Street, Los Angeles, California 90012.

MC 142310 (Sub-10TA), filed January 25, 1979. Applicant: H.O. WOLD-

ING, INC., Box 56, Nelsonville, WI 54458. Representative: Michael J. Wyngaard, 150 East Gilman Street, Madison, WI 53703. *Such commodities as are manufactured, processed, sold, used, distributed or dealt in by manufacturers, converters, and printers of paper and paper products (except commodities in bulk) from the facilities of Consolidated Papers, Inc., at or near Stevens Point and Wisconsin Rapids, WI to points in AZ, CA, OR and WA and from the facilities of Nekoosa Papers Inc. at or near Nekoosa, Port Edwards and Stevens Point, WI to points in AZ, CA, OR and WA, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Nekoosa Papers, Inc., Port Edwards, WI 54469; Consolidated Papers, Inc., Wisconsin Rapids, WI 54494. Send protests to: Mrs. Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building & Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wisconsin 53202.*

MC 142672 (Sub-46TA), filed January 25, 1979. Applicant: DAVID BENEUX PRODUCE AND TRUCKING, INC., P.O. Drawer F, Mulberry, AR 72947. Representative: Don Garrison, P.O. Box 159, Rogers, AR 72756. *Such commodities as are manufactured, processed or dealt in by manufacturers of glass and glass products, from the facilities of Anchor Hocking Corporation and its subsidiaries in the states of IN, OH, PA and WV, on the one hand, and on the other, points in AR, AZ, CA, CO, ID, KS, MT, NV, NM, OK, OR, TX, UT, WA and WY, for 180 days as a common carrier over irregular routes. Supporting Shipper(s): Anchor Hocking Corporation, 109 North Broad Street, Lancaster, OH 43130. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.*

MC 142730 (Sub-5TA), filed January 30, 1979. Applicant: THOMAS E. MCGINNIS, d.b.a. T. MCGINNIS TRUCKING CO., Route 3, Box 329, Catlettsburg, KY 41129. Representative: John M. Friedman, 2930 Putnam Avenue, Hurricane, WV 25526. *Calcitic Fluxing Stone (Limestone), in dump vehicles, from points in Highland County, OH, to points in Scioto County, OH; Boyd, Greenup and Lawrence Counties, KY, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Richard S. Bowman, Vice President, Highland Stone Division of Davon, Inc., 4281 Roush Road, Hillsboro, OH 45133. Send protests to: Mrs. Linda H. Sypher, District Supervisor, Interstate Commerce Commission, 426 Post Office Building, Louisville, KY 40202.*

MC 143594 (Sub-5TA), filed December 29, 1978. Applicant: NATIONAL BULK TRANSPORT, INC., P.O. Box 5078, Atlanta, GA 30302. Representative: Warren L. Troupe, 2480 East Commercial Blvd., Ft. Lauderdale, FL 33308. *Chemicals, in bulk, in tank vehicles between Atlanta, GA and points in the United States (except AK and HI), for 180 days. Supporting Shipper(s): AZS Chemical Company, 762 Marietta Blvd., N.W., Atlanta, GA 30318. Send protests to: Sara K. Davis, T/A, Bureau of Operations, Interstate Commerce Commission, 1252 W. Peachtree St., N.W., Rm. 300, Atlanta, GA 30309.*

MC 144557 (Sub-3TA), filed January 29, 1979. Applicant: HUDSON TRANSPORTATION, INC., P.O. Box 847, Troy, AL 36081. Representative: William P. Jackson, Jr., 3426 North Washington Blvd., Arlington, VA 22210. *Canned goods, from the facilities of Hudson Industries, Inc., at Brundidge, AL to points in the United States (except Alaska and Hawaii), for 180 days. Supporting Shipper(s): Hudson Industries, Inc., P.O. Box 847, Troy, AL 36081. Send protests to: Mabel E. Holston, Transportation Assistant, Bureau of Operations, ICC, Room 1616-2121 Building, Birmingham, AL 35203.*

MC 144678 (Sub-6TA), filed January 25, 1979. Applicant: AMERICAN FREIGHT SYSTEM, INC., 9393 West 110th Street, Fifth Floor, Overland Park, KS 66210. Representative: Harold H. Clokey (same as applicant). *General commodities (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facility of Spartan Packaging, Inc. at or near Lawrenceville, GA as an off-route point in connection with carrier's otherwise authorized regular route service. Supporting Shipper(s): Spartan Packaging, Inc., Lawrenceville, GA. Send protests to: DS John V. Barry, ICC, 600 Fed. Bldg., 911 Walnut, Kansas City, MO 64106.*

MC 145703 (Sub-1TA), filed January 16, 1979. Applicant: FRL TRANSPORTATION, INC., 96 Doty St., Fond du Lac, WI 54935. Representative: Michael J. Wyngaard, 150 E. Gilman St., Madison, WI 53703. *Contract carrier: irregular routes: (1) Cured hides and materials, equipment and supplies used or useful in the manufacture, sale or distribution of cured hides and finished leather, from MO, NE, KS, IA, CO & WI to St. Paul, MN; (2) Cured hides and materials, equipment and supplies used or useful in the manufacture, sale or distribution of cured hides and finished leather from MN, CO, IA, KS, NE & MO to Fond du Lac, WI; (3)*

*blue stock from St. Paul, MN to Fond du Lac, WI; and (4) Finished leather from Fond du Lac, WI and St. Paul, MN to MO, NE, IA, CO, MN, KS, & WI, restricted to service performed under a continuing contract or contracts with Fred Rueping Leather Co., for 180 days. An underlying ETA seeks 90 day authority. Supporting Shipper(s): Fred Rueping Leather Co., 96 Doty St., Fond du Lac, WI 54935. Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building & Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wisconsin 53202.*

MC 145786 (Sub-1TA), filed January 12, 1979. Applicant: J. M. NATION TRUCKING, INC., 401 North Price Road, Pampa, TX 79065. Representative: Robert K. Frisch, 4555 First National Bank Building, Dallas, TX 75202. *Machinery, equipment, materials and supplies used in, or in connection with, the discovery, development, production and distribution of natural gas and petroleum and their products and by-products. Restricted to the transportation of shipments weighing 5,000 lbs. or less transported with motor vehicle equipment having manufacturer's capacity of 2 tons or less in hot shot service, between points in Gray; Hutchison; Potter; Randall; Roberts; Hemphill; Wheeler; Donley; Ochiltree; Lipscomb; and Moore Counties TX, on the one hand, and points in Beckham; Beaver; Blaine; Caddo; Canadian; Cleveland; Custer; Cimmaron; Dewey; Ellis; Garfield; Lincoln; Oklahoma; Roger Mills; Seminole; Texas; Washita; and Woodward Counties; OK; Lea County, NM; Morton; Barton; Finney; Rooks; Ellsworth; and Seward Counties, KS; Lafayette, Calaisieu, Jefferson Davis; St. Charles, St. Bernard Parishes, LA; Natrona; Converse; Sweetwater Counties, WY; Duchesne and Uintah Counties, UT; Jefferson and Arapahoe Counties, CO, on the other hand, for 180 days. Supporting Shipper(s): CIG Exploration, Colorado Interstate Gas Co., Material Supervisor, 415 West 8th Street, Amarillo, TX 79189; Cabot Corporation, Box 1101, Pampa, TX 79065; FMC Well Head Equipment Division, Box 2315, Pampa, TX 79065; Land and Marine Rental Company, Box 1859, Pampa, TX 79065. Send protests to: District Supervisor Haskell E. Ballard, Box F-13206 Federal Building, Amarillo, TX 79101.*

MC 146009 (Sub-1TA), filed January 10, 1979. Applicant: R. O. HARRELL, INC., P.O. Box 97, South Boston, VA 24592. Representative: R. O. HARRELL III (same address as applicant). *Contract carrier: Irregular routes: Silicone fluid, in bulk, in tank vehicles*

from the facilities of the Dow Chemical Company at or near Midland, MI; to the facilities of Westinghouse Electric Corp., near South Boston, VA., for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Westinghouse Electric Corporation, P.O. Box 920, South Boston, VA 24592. Send protests to: Paul D. Collins, District Supervisor, Interstate Commerce Commission, Rm 10-502 Federal Bldg., 400 North 8th Street, Richmond, Va. 23240.

MC 146134 (Sub-1TA), filed January 23, 1979. Applicant: WARREN EGAN, d.b.a. WARREN EGAN TRUCKING, Box 55, Cavour, WI 54516. Representative: Rolfe E. Hanson, 121 West Doty Street, Madison, WI 53703. Contract carrier; irregular routes; *Woodchips, logs, sawdust, sawmill refuse, lumber, and pulpwood*, from the facilities of Pine River Lumber Co., Ltd., Town of Amasa, Iron Co., MI, to points in WI and return of *logs, sawbolts, and pulpwood* to the Town of Amasa, Iron Co., MI. Restriction: Restricted to service under continuing contracts with Pine River Lumber Co., Ltd., for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Pine River Lumber Co., Ltd., Long Lake, WI 54542. Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building & Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wisconsin 53202.

MC 146176 (Sub-1TA), filed January 25, 1979. Applicant: J & L TRANSPORT, INC., Route 1, Box 306, Almond, WI 54909. Representative: Michael J. Wyngaard, 150 East Gilman Street, Madison, WI 53703. *Such commodities as are manufactured, processed, sold, used, distributed or dealt in by manufacturers, convert-*

*ers, and printers of paper and paper products (except commodities in bulk)*, from the facilities of Consolidated Papers, Inc. at or near Stevens Point and Wisconsin Rapids, WI to points in AZ, CA, OR and WA and from the facilities of Nekoosa Papers Inc. at or near Nekoosa, Port Edwards and Stevens Point, WI to points in AZ, CA, OR and WA, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Nekoosa Papers Inc., Port Edwards, WI 54469; Consolidated Papers, Inc., Wisconsin Rapids, WI 54494. Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building & Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wisconsin 53202.

MC 146178 (Sub-1TA), filed January 25, 1979. Applicant: INDEPENDENT WOOD PRODUCTS TRANSPORTATION CO., 1700 Dace Street, Sioux City, IA 51107. Representative: Edward A. O'Donnell, 1004 29th Street, Sioux City, IA 51104. *Contract carrier; irregular routes; Building materials and such commodities as are dealt in by building material dealers (except commodities in bulk)*, between points in ID, IA, LA, MN, MT, NE, NV, ND, OR, SD, TX, UT, WA, and WY, under continuing contract or contracts with Independent Wood Products, Inc., Sioux City, IA, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): William H. Engelen, President, Independent Wood Products, Inc., 1700 Dace Street, Sioux City, IA 51107. Send protests to: Carroll Russell, ICC, Suite 620, 110 No. 14th St., Omaha, NE 68102.

By the Commission.

H. G. HOMME, Jr.,  
Secretary.

[FR Doc. 79-5268 Filed 2-16-79; 8:45 am]

# sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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[6320-01-M]

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[M-194, Amdt. 2; Feb. 13, 1979]

### CIVIL AERONAUTICS BOARD:

Deletion of item from the February 15, 1979, meeting agenda.

TIME AND DATE: 9:30 a.m., February 15, 1979.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

### SUBJECT:

4. Amendment of Part 302 to set uniform 30-day answer period (Memo 8456, OGC).

STATUS: Open.

### PERSON TO CONTACT:

Phyllis T. Kaylor, the Secretary, (202) 673-5068.

**SUPPLEMENTARY INFORMATION:** Several of the Bureaus have a problem with Item 4 as drafted, and believe that additional time is needed to reconsider the rulemaking. Accordingly, agency business require the deletion of Item 4 from the agenda and no earlier announcement of this change was possible:

Chairman, Marvin S. Cohen  
Member, Richard J. O'Mella  
Member, Elizabeth E. Bailey  
Member, Gloria Schaffer

(S-336-79 Filed 2-15-79; 3:30 pm)

[6320-01-M]

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[M-194, Amdt. 3, Feb. 14, 1979]

### CIVIL AERONAUTICS BOARD.

Deletion of items from the February 15, 1979 meeting.

TIME AND DATE: 9:30 a.m., February 15, 1979.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

### SUBJECT:

14. Docket 30635, Arizona Service Investigation (Memo 8158-E, OGC).

21. Docket 31298, Sky West's application and motion to show cause for certification of those points on their system which were not certificated in the Arizona Service Investigation, Docket 30635 (BPDA).

STATUS: Open.

### PERSON TO CONTACT:

Phyllis T. Kaylor, the Secretary, (202) 673-5068.

**SUPPLEMENTARY INFORMATION:** Because questions at staff level still need to be answered before Board consideration of Items 14 and 21, these items are being deleted from the February 15, 1979 agenda and will be scheduled for February 21, 1979 Board meeting. Accordingly, the following Members have voted that agency business requires the deletion of Items 14 and 21 from the February 15, 1979 meeting and that no earlier announcement of this change was possible:

Chairman, Marvin S. Cohen  
Member, Richard J. O'Mella  
Member, Elizabeth E. Bailey  
Member, Gloria Schaffer

[S-337-79 Filed 2-15-79; 3:30 pm]

[6320-01-M]

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[M-194, Amdt. 4; Feb. 14, 1979]

### CIVIL AERONAUTICS BOARD.

Deletion of item from the February 15, 1979, Agenda.

TIME AND DATE: 9:30 a.m., February 15, 1979.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

### SUBJECT:

12. Docket 28213 et al. Applications of seven Japanese air freight forwarders—Final order (Memo 8492, OGC).

STATUS: Open.

### PERSON TO CONTACT:

Phyllis T. Kaylor, the Secretary, (202) 673-5068.

**SUPPLEMENTARY INFORMATION:** The Bureau of International Aviation has on this date requested a meeting

with the Office of the General Counsel to discuss certain procedural details relating to the disposition of these applications. Accordingly, the following Members have voted that agency business requires the deletion of Item 12 from the February 15, 1979 meeting and that no earlier announcement of this change was possible:

Chairman, Marvin S. Cohen  
Member, Richard J. O'Mella  
Member, Elizabeth E. Bailey  
Member, Gloria Schaffer

[S-338-79 Filed 2-15-79; 3:30 pm]

[6320-01-M]

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[M-196, Feb. 14, 1979]

### CIVIL AERONAUTICS BOARD.

TIME AND DATE: 9:30 a.m., February 21, 1979.

PLACE: Room 1027, 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

### SUBJECT:

1. Ratification of items adopted by notation.

2. Docket 34507, Application of El Al Israel Airlines Limited for an amended foreign air carrier permit to add Miami, Florida, and Chicago, Illinois, as well as additional intermediate and beyond points to its route description (BIA).

3. Docket 32868, Application of Eastern Air Lines, Inc. for an exemption to operate nonstop between Miami and Santo Domingo (BIA, OGC).

4. Docket 34268; Application of World Airways for amendment of its United States-Amsterdam exemption authority (Orders 78-9-2 and 78-11-156) (BIA, OGC).

5. Part 253. Amendment to require that only the original of carrier commission schedules be filed with the Board (Memo 8511, OI, OEEC, BCAA, BLJ, BIA, BPDA, OEA, BCP and OC).

6. Docket 33903—Disposition of petition for rulemaking to amend 14 CFR Part 372, Overseas Military Personnel Charters, filed by Department of Defense (Memo 8510, OGC, OI, OEEC, BCAA, BLJ, BIA, BPDA, OEA and BCP).

7. Category Y Fare Investigation—Petitions for Reconsideration and related complaint, Dockets 28096 and 33589 (OGC).

8. Board discretion under the unused authority provision, section 401(d)(5) of the Act, to attach conditions to the award of authority (BPDA).

9. Docket 33364, Roanoke-Pittsburgh Service Investigation Draft Notice (OGC).

10. Docket 30635, Arizona Service Investigation (Memo 8158-E, OGC).

11. Docket 31298, Sky West's Application and Motion to show cause for certification

of those points on their system which were not certificated in the Arizona Service Investigation, Docket 30635 (Memo 8033-A, 8033-B, OGC, BPDA, BLJ).

12. Docket 33179, Allegheny's Petition for Show-Cause for Nonstop Cincinnati-Pittsburgh Authority (Memo 8228-A BPDA).

13. Docket 33708, American's motion for hearing on its certificate application for Cleveland-San Francisco nonstop authority (Memo 8518, BPDA).

14. Dockets 34118 and 34120, United's notices of intent to suspend all air services at Merced and Visalia, California (Memo 8521, BPDA, OCCR).

15. Docket 34130, Southern Airways' notices of intention to suspend service at Charleston, S.C., Charlotte, N.C., and Columbia, S.C. as well as between Greenville/Spartanburg, S.C., and Memphis, Tenn. (Memo 8520, BPDA, OCCR).

16. Docket 31459, Application of Edward Katz and Arthur Rosenblatt d.b.a. Choice Air Courier Service, an air freight forwarder, for exemption from certain sections of the Federal Aviation Act of 1958 (BPDA, BAS).

17. Docket 34592, Application of Rocky Mountain Airlines, for emergency exemption relief from exclusion provisions of commuter/certificated carrier joint fare division order (Memo 8311-C, BPDA, OGC).

18. Docket 30777, Petition of Trans World Airlines, Inc., for clarification of Order 78-7-113. TWA requests guidance on the legal status of creative fare sales here and abroad (Memo 8042-A, BPDA, BCP, BIA, OGC).

19. Docket 33712-Tiger International-Sea-board World Airlines, Acquisition Case, Issuance of special reports under Section 407 of the Federal Aviation Act (BLJ).

20. Docket 29165, Consumer Protection for Charter Participants (OGC, BPDA, BCP).

21. Amendment of Rules of Practice in Enforcement Proceedings to Provide for the Assessment of Civil Penalties (BCP, BLJ, OGC).

22. Policy Recommendation on The Possible Termination of the U.S.-Austria Air Services Agreement (BIA).

STATUS: 1 through 21—open. 22—closed.

#### PERSON TO CONTACT:

Phyllis T. Kaylor, the Secretary,  
(202) 673-5068.

**SUPPLEMENTARY INFORMATION:** Public disclosure, particularly to foreign governments, of opinions, evaluations, and strategies contained in the Memorandum and Draft Letter could seriously compromise the ability of the U.S. to achieve Agreements and understandings which would be in the best interests of the United States. Accordingly, public observation of this meeting would involve matters the disclosure of which would be likely to significantly frustrate implementation of proposed agency action within the meaning of the exemption provided under 5 U.S.C. 552(c)(9) and 14 CFR section 310b.5(9)(B) and that the meeting would be closed:

Chairman, Marvin S. Cohen  
Member, Richard J. O'Melia  
Member, Elizabeth E. Bailey

Member, Gloria Schaffer

#### PERSONS EXPECTED TO ATTEND

Board Members.—Chairman, Marvin S. Cohen; Member, Richard J. O'Melia; Member, Elizabeth E. Bailey; and Member, Gloria Schaffer.

Assistants to Board Members.—Mr. Sanford Rederer, Mr. David M. Kirstein, Mr. Elias Rodriguez, and Mr. Stephen H. Lachter.

Office of the Managing Director.—Mr. John R. Hancock.

Bureau of International Affairs.—Mr. Donald A. Farmer, Jr., Mr. Rosario J. Scibilia, Ms. Sandra W. Gerson, Mr. Francis S. Murphy, Mr. Donald L. Litton, Ms. Mary I. Pett, Mr. James S. Horneman, Mr. Ivars V. Mellups, Mr. Richard M. Loughlin, Mr. Willard L. Demory, and Mr. Anthony M. Largay.

Office of the General Counsel.—Mr. Phillip J. Bakes, Jr., Mr. Gary J. Edles, Mr. Peter B. Schwarzkopf, Mr. Michael Schopf, and Ms. Carol Light.

Bureau of Pricing and Domestic Aviation.—Mr. Michael E. Levine, Mr. Herbert Aswall, Mr. Douglas V. Leister, and Mr. James L. Deegan.

Office of Economic Analysis.—Mr. Robert H. Frank and Mr. Richard H. Klem.

Bureau of Consumer Protection.—Mr. Reuben B. Robertson and Ms. Patricia Kennedy.

Office of the Secretary.—Mrs. Phyllis T. Kaylor and Ms. Louise Patrick.

#### GENERAL COUNSEL CERTIFICATION

I certify that this meeting may be closed to the public under 5 U.S.C. 552(c)(9) and 14 CFR section 310b.5(9)(B) and that the meeting may be closed to public observation.

PHIL BAKES, JR.,  
General Counsel.

[S-339-79 Filed 2-15-79; 3:30 pm]

[6335-01-M]

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#### COMMISSION ON CIVIL RIGHTS.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 44 FR 8098, Thursday, February 8, 1979.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9 a.m., Monday, February 12, 1979.

#### CHANGES IN THE MEETING:

(1) Deletion of agenda item IX: Philadelphia Police Practices hearing status report.  
(2) Additional meeting session to be held on Tuesday, February 13, 1979; 11:30 a.m.

Agenda item for additional session: Litigation strategy for subpoena enforcement at Philadelphia Police Practices hearing of February 20-21, 1979.

STATUS OF ADDITIONAL MEETING SESSION: Closed to the public.

CONTACT PERSON FOR MORE INFORMATION:

Loretta Ward, Public Affairs Unit,  
202-254-6697.

[S-332-79 Filed 2-15-79; 12:46 pm]

[6715-01-M]

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#### FEDERAL ELECTION COMMISSION.

DATE AND TIME: Thursday, February 22, 1979, at 10 a.m.

PLACE: 1325 K Street NW., Washington, D.C.

STATUS: Portions of this meeting will be open to the public and portions will be closed.

#### MATTERS TO BE CONSIDERED:

##### PORTIONS OPEN TO THE PUBLIC

Setting of dates for future meetings. Correction and approval of minutes.

Appropriations and budget. Pending legislation. 1980 elections and related matters.

Classification actions. Routine administrative matters.

##### PORTIONS CLOSED TO THE PUBLIC (FOLLOWING OPEN SESSION)

Audits and audit policy. Compliance. Personnel. Litigation. Labor/management relations.

#### PERSONS TO CONTACT FOR INFORMATION:

Mr. Fred S. Eiland, Public Information Officer, telephone 202-523-4065.

MARJORIE W. EMMONS,  
Secretary to the Commission.

[S-335-79 Filed 2-15-79; 3:23 pm]

[6740-02-M]

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#### FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Published February 12, 1979, 44 FR 8965.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: February 14, 1979; 10 a.m.

CHANGE IN THE MEETING: The following items have been added:

Item Number, Docket Number, and Company

CAP-4. ER79-58, Metropolitan Edison Company.

CAM-2 Proposed Rule by ERA—Oil Import Allocations for 1979-1980, Docket No. ERA-R-78-27.

M-4. RM79- , Alaska Natural Gas Transportation System Incentive Rate of Return.

KENNETH F. PLUMB,  
Secretary.

[S-330-79 Filed 2-15-79; 12:20 pm]

[6740-02-M]

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FEBRUARY 14, 1979.

## FEDERAL ENERGY REGULATORY COMMISSION.

TIME AND DATE: 2 p.m., February 21, 1979.

PLACE: 825 North Capitol Street, NE., Washington, D.C. 20426, Room 9306.

STATUS: Open.

## MATTERS TO BE CONSIDERED: Agenda.

NOTE.—Items listed on the agenda may be deleted without further notice.

## CONTACT PERSON FOR MORE INFORMATION:

Kenneth F. Plumb, Secretary, telephone (202) 275-4166.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda, however, all public documents may be examined in the Office of Public Information.

## POWER AGENDA—246TH MEETING, FEBRUARY 21, 1979, REGULAR MEETING (10 A.M.)

- CAP-1. Docket No. ER79-125, South Carolina Electric & Gas Co.
- CAP-2. Docket No. ER76-588, Central Kansas Power Co., Inc.
- CAP-3. Docket Nos. E-7777 (Phase II) and E-7796, Pacific Gas & Electric Co.
- CAP-4. Docket No. E-7743, Connecticut Light & Power Co.
- CAP-5. Docket Nos. E-7777 and E-7796, Pacific Gas & Electric Co.
- CAP-6. Docket No. ER77-473, Superior Water, Light & Power Co.
- CAP-7. Docket Nos. ES79-10 and ES79-14, Iowa Southern Utilities Co.
- CAP-8. Project No. 2608, Maine Hydroelectric Development Corp.

## GAS AGENDA—246TH MEETING, FEBRUARY 21, 1979, REGULAR MEETING

- CAG-1. Docket Nos. RP73-104, RP74-90 and RP75-91, Consolidated Gas Supply Corp.
- CAG-2. Docket No. RP74-82, Columbia Gas Transmission Corp., Docket No. RP74-81, Columbia Gulf Transmission Co.
- CAG-3. Docket No. RP77-31, Southern Natural Gas Co.
- CAG-4. Docket No. RP78-36, Southern Natural Gas Co.
- CAG-5. Docket No. RP78-37, Lawrenceburg Gas Transmission Corp.
- CAG-6. Docket No. CI78-1129, Mitchell Energy Corp.
- CAG-7. Docket No. R-472, Report of Supply and Requirements, FPC Form No. 161 (Mountain Fuel Supply Co.).
- CAG-8. Docket Nos. CP75-140, et al., Pacific Alaska LNG Co., et al., Docket Nos. CP74-160, et al., Pacific Indonesia LNG Co., et al., Docket No. CI78-453, Pacific Lighting Gas Development Co., Docket No. CI78-452, Pacific Simpcop Partnership.
- CAG-9. Docket No. CP78-478, Michigan Wisconsin Pipe Line Co.
- CAG-10. Docket No. CP78-351, Transcontinental Gas Pipe Line Corp.

- CAG-11. Docket No. CP79-90, El Paso Natural Gas Co.
- CAG-12. Docket No. CP77-619, Panhandle Eastern Pipe Line Co.
- CAG-13. Docket No. CP79-2, Northern Natural Gas Co.

## MISCELLANEOUS AGENDA—246TH MEETING, FEBRUARY 21, 1979, REGULAR MEETING

- CAM-1. Docket No. RO79-1, Central Oil Co.
- CAM-2. Docket No. RA79-9, H & K Oil Co., Inc.
- CAM-3. Docket No. RA79-11, Jack Halbert.
- CAM-4. Docket No. RA79-12, Sentry Refining, Inc.
- CAM-5. Docket No. RM76-10, Rate Schedule Analysis on a continuing basis: PERC Form No. 108.

## POWER AGENDA—246TH MEETING—FEBRUARY 21, 1979, REGULAR MEETING

## I. ELECTRIC RATE MATTERS

- ER-1. Docket No. ER79-97, Tucson Gas & Electric Co.
- ER-2. Docket No. ER79-126, Arizona Public Service Co.
- ER-3. Docket No. ER77-533, Louisiana Power & Light Co.
- ER-4. Docket No. ER76-539, Missouri Power & Light Co.

## GAS AGENDA—246TH MEETING, FEBRUARY 21, 1979, REGULAR MEETING

## I. PIPELINE RATE MATTERS

- RP-1. Docket No. RP73-85 (PGA79-1)(AP79-3), Columbia Gas Transmission Corp.
- RP-2. Docket No. RP73-3 (PGA No. 79-1) (DCA No. 79-1), Transcontinental Gas Pipe Line Corp.
- RP-3. Docket No. RP71-125 (PGA No. 79-1), Natural Gas Pipeline Co. of America.
- RP-4. Docket No. RP79-29, Tennessee Gas Pipeline Co.
- RP-5. Docket No. RP78-76 and R-406, Consolidated Gas Supply Corp.
- RP-6. Docket No. RP71-107 (Phase II) (PGA79-1) (R&D79-1), Northern Natural Gas Co.
- RP-7. Docket No. RP76-4, National Fuel Gas Supply Corp.

## II. PRODUCER MATTERS

- CI-1. Docket No. RI79-4, J & J Enterprises, Inc., et al.
- CI-2. Docket No. G-12446, Texas Eastern Transmission Corp.

## III. PIPELINE CERTIFICATE MATTERS

- CP-1. Docket No. CP78-4, Transcontinental Gas Pipe Line Corp.
- CP-2. Docket No. CP74-289, et al., CP77-289, and CP78-500, El Paso Natural Gas Co.
- CP-3. Docket No. CP71-304, The Union Light, Heat & Power Co.
- CP-4. Docket No. CP77-216, Distrigas of Massachusetts Docket No. CP77-217 and CP77-218, Distrigas Corp.
- CP-5. Docket No. CP78-376, Town of Metcalf, Miss.

## MISCELLANEOUS AGENDA—246TH MEETING, FEBRUARY 21, 1979, REGULAR MEETING

- M-1. Docket No. RM79- , Regulations prescribing general provisions for preliminary permit and license applications; Regulations governing applications for amend-

ments to, and cancellation of preliminary permits.

M-2. Docket No. RM78-16, Procedures for submission of settlement agreements.

M-3. Docket No. RM78-15, Rules relating to investigations.

M-4. Docket No. RM79-8, Proposed regulations implementing section 133 of the Public Utilities Regulatory Policy Act.

KENNETH F. PLUMB,  
Secretary.

[S-331-79 Filed 2-15-79; 12:20 pm]

[6735-01-M]

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FEBRUARY 14, 1979.

## FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION.

TIME AND DATE: 10 a.m., February 22, 1979.

PLACE: Room 600, 1730 K Street NW., Washington, D.C.

STATUS: This meeting may be closed.

MATTERS TO BE CONSIDERED: The Commission will consider an act upon the following agenda items:

*Secretary of Labor v. Kaiser Steel Corp.* DENV 77-13-P (disposition on the merits).*Secretary of Labor v. Wolf Creek Collieries Co.* PIKE 78-70-P (disposition on the merits).*Alexander Brothers, Inc. v. Secretary of Labor* HOPE 78-161-167 (disposition on the merits).

## CONTACT PERSON FOR MORE INFORMATION:

Joanne Kelley, 202-653-5632.

[S-333-79 Filed 2-15-79; 1:16 pm]

[7527-01-M]

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## NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE.

TIME AND DATE: 9 a.m.-5 p.m. and 8:30 a.m.-4 p.m. respectively, March 8 and 9, 1979.

PLACE: Marriott Twin Bridges, Arlington, VA.

STATUS: Open.

## MATTERS TO BE DISCUSSED:

Opening remarks, chairman.

Commission committees: Membership and functions and responsibilities.

White House Conference on Library and Information Services.

Discussion of revised NCLIS governance structure.

Status of task force on public/private sector relations.

Discussion of National Periodicals Center, open forum, March 19-20, 1979.

Discussion of National Information Policy Issues Meeting, March 11-12, and conference to be held May 24, 1979.



Review of Chairman's meeting with President Carter, Commissioners' comments.  
Executive director's comments.  
Old business.  
New business.

**CONTACT PERSON FOR MORE INFORMATION:**

Alphonse F. Trezza, Executive Director, NCLIS, 202-653-6252.

ALPHONSE F. TREZZA,  
*Executive Director.*

FEBRUARY 12, 1979.

[S-329-79 Filed 2-15-79; 10:00 am]

[7715-01-M]

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**POSTAL RATE COMMISSION.**

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 44 FR 9461, February 13, 1979.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE CLOSED MEETING: 9 a.m., February 14, 1979.

CHANGES IN THE MEETING: Meeting date and time changed to February 20, 1979, 4:30 p.m. Meeting remains closed pursuant to 5 U.S.C. 552b(c)(2)(6).

**CONTACT PERSON FOR MORE INFORMATION:**

Ned Callan, Information Officer, Postal Rate Commission, room 500, 2000 L Street, NW., Washington, D.C. 20268, 202-254-5614.

[S-328-79 Filed 2-15-79; 10:00 am]

[8120-01-M]

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**TENNESSEE VALLEY AUTHORITY.**

TIME AND DATE: 10 a.m., Thursday, February 22, 1979.

PLACE: Loudon High School, Loudon, Tenn.

STATUS: Open.

MATTERS TO BE CONSIDERED: Comments from any individuals, organizations, or public officials wishing to present their views about options available to TVA regarding the Tellico project.

**CONTACT PERSON FOR MORE INFORMATION:**

Lee C. Sheppeard, Assistant Director of Information, or a member of his staff can respond to requests for information about this meeting. Call 615-632-3257, Knoxville, Tenn. Information is also available at TVA's Washington Office, 202-566-1401.

(S-334-79 Filed 2-15-79; 2:36 pm)

